



Employment Policies & Procedures

City of Lynchburg



HUMAN RESOURCES DEPARTMENT

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January 1, 2005 <

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Introduction

I. General Information

- A.** This document contains the primary employment policies and procedures that provide guidance to effectively manage human resources within the City of Lynchburg. While no set of written policies can include every possible situation, these policies, when used as a whole, provide overall guidance for reasonable, consistent decision-making.
- B.** All employees of the City of Lynchburg, those persons who work for the City in return for financial compensation, except elected officials and independent contractors, are governed by this common set of employment policies. The City Manager may make exceptions to the policies in special or unusual situations when in his or her opinion an exception would be in the best interest of the City. Exceptions are documented and maintained in the Human Resources Department. The policies are intended to provide consistency and equity across the organization and sufficient flexibility to allow independent judgment while ensuring accountability to the public. No member of the City administration, other than the City Manager, has the authority to modify any of the terms or provisions of these “Employment Policies and Procedures.”

II. Employment-at-Will

Virginia is an “employment-at-will” state and employees of the City of Lynchburg do not have a contract of employment. Neither these policies nor any other document constitutes an express or implied employment contract or any right to continued employment. These policies are not intended to and do not imply or create a vesting or a contract entitling City employees to any specific benefits or policies from the City. The contents of this manual and City of Lynchburg’s policies and procedures may be changed at any time.

III. Organizational Vision, Mission and Values

City Council's vision for the community includes the organizational vision, “Working together, we will be a progressive community shaped by new ideas and solutions, a skilled and innovative workforce, and citizen leadership—all distinguished by responsible and traditional values, involvement, new technology and quality citizen services.” Inherent in City Council's vision, the mission of the employees of the City of

Lynchburg is to deliver services to City residents, workers and visitors in an efficient, effective and equitable manner and to build a stronger community.

The core values that guide the organization's actions and decision-making are the following:

- A. Respect** - *appreciating the mixture of similarities and differences in beliefs and behavior of employees and citizens*
- B. Honesty** - *telling the truth, refraining from cheating and stealing and avoiding conflicts of interest*
- C. Customer Focus** - *demonstrating a commitment to internal and external customer service*
- D. Personal Responsibility** - *taking ownership and accepting the consequences of one's actions*
- E. Integrity** - *consistently applying these core values even when doing so is difficult or unpopular*

IV. Employment Relationship

The City believes that all employees, regardless of role, position, status or salary, make a critical contribution in achieving the City's mission. The City is committed to providing a safe, non-discriminatory and alcohol and drug free workplace where employees can work in supportive relationships and interact responsibly with colleagues and citizens. Managers and employees are partners in ensuring that the citizens of Lynchburg receive appropriate services.

V. Administrative Responsibilities

The Director of Human Resources shall normally develop policy recommendations and the procedures necessary for implementation of policy and shall serve as a source of expertise on the intent and application of the City's Employment Policies. In cases where several policies apply to the same situation, or where conflicts appear to exist, the City Manager and/or Director of Human Resources are authorized to make a determination as to the intent and application of policy. The City Manager has final authority for the approval and administration of employment policies and procedures.

VI. Department Director Responsibilities

Department Directors and other designated management officials perform the following personnel management functions:

- A.** Develop organizational structures and staffing levels based on service delivery needs and resource availability.
- B.** Establish and communicate work expectations, develop operating procedures, manage performance and maintain an effective working environment.

- C.** Issue departmental rules and operating procedures necessary for the efficient and effective functioning of the department; however, such rules and operating procedures shall not conflict with any portion of these Employment Policies and must be coordinated in advance with the Human Resources Department.
- D.** Schedule activities within their departments including hours of work, rest and lunch periods, time to prepare for work and clean-up time.
- E.** Select applicants for employment and assign duties and responsibilities to employees within their management area.
- F.** Make promotion, demotion, reassignment, discipline, termination and other personnel-related decisions for their departments.
- G.** Make salary decisions as outlined in the Employment Policies.
- H.** Identify training and development needs and provide for on-the-job training (OJT).
- I.** Ensure that financial and procurement policies are followed appropriately, including making the best use of fiscal resources, consultants and approved contracts.
- J.** Department Directors may delegate, wholly or in part, the personnel management functions listed above.

VII. Policy Maintenance

Employment policies and procedures are issued and maintained by the Director of Human Resources. Policies shall take effect on the date of City Council and/or City Manager approval, as appropriate, and shall supersede all previously issued policies. When changes to previous policies and procedures are approved, information regarding changes will be communicated to the workforce. The Human Resources Department will fully implement all provisions of the policies in a timely and reasonable manner.

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Employment

I. Equal Opportunity Employment Policy

The City of Lynchburg is an Equal Opportunity Employer (EOE) and is fully committed to the principles of equal employment opportunity. The City maintains and promotes equal opportunity for all employees and applicants for employment in accordance with relevant state and federal laws. The City will not discriminate on the basis of race, color, religion, sex, national origin, age, physical or mental disability unrelated to the ability to perform the essential functions of the position. The City of Lynchburg will make all decisions regarding recruitment, hiring, promotions, reassignments, training and other terms and conditions of employment without unlawful discrimination.

- A.** The City of Lynchburg will not tolerate any form of discrimination, including sexual or racial harassment, of its employees. Allegations of discrimination will be thoroughly investigated and disciplinary or corrective action taken as warranted. Reprisals against employees who file complaints of discrimination are prohibited; however, such protection does not condone unfounded or vindictive accusations of others. The City protects the legitimate interests of all parties concerned in a dispute involving allegations of discrimination. *(Refer to Chapter 8, "Employee Responsibilities" for more information)*
- B.** Individuals, who feel they have been subjected to discrimination including sexual harassment, should respond by using any or all of the following reporting procedures:
 - 1.** Information and advice about discrimination may be obtained by contacting the Human Resources Department, the City Attorney's office, or a counselor at the Employee Assistance Program. Every precaution will be taken to ensure confidentiality at this informal, information gathering stage.
 - 2.** Current City employees should report any incident of discrimination to his or her immediate supervisor, appropriate department director, or the Human Resources Department. Supervisors, appropriate department directors or other officials will immediately address any act of discrimination of which they become aware.
 - 3.** Current City employees may use mediation or the formal Grievance Procedure to report and resolve complaints of discrimination.

4. Additional information regarding discrimination, including sexual harassment definitions and reporting responsibilities can be found in *Chapter 8, "Employee Responsibilities."*

II. Diversity Plan

The City of Lynchburg's goal is to hire and retain a workforce that is representative of the community and reflective of the relevant available labor pool.

To achieve this goal, the City is committed to the following actions designed to attract diverse, qualified applicants:

- A.** The City shall use non-discriminatory, equitable processes to fill all positions. All persons wishing to apply for a vacant position advertised to the public will have the opportunity to do so.
- B.** Recruitment advertising may include a variety of formats and targeted resources such as print, the Internet, other media and firms specializing in minority recruitment to attract a diverse pool of qualified applicants for all vacancies.
- C.** All recruiting announcements will contain the following statement: "The City of Lynchburg is an Equal Employment Opportunity Employer."
- D.** Recruitment and selection training for hiring officials will be held periodically and will include interview techniques, cultural awareness, human relations, and objective hiring practices.
- E.** The Human Resources Department will conduct and distribute periodic studies that summarize workforce demographics compared to the relevant available labor pool and community demographics.
- F.** Internal Communication
 1. All City employees will have access to a copy of the Equal Employment Opportunity Policy.
 2. Notices will be posted in the Human Resources Department announcing the City of Lynchburg as an Equal Employment Opportunity Employer.
 3. The latest Job Listing and internal promotional opportunities will be posted on designated bulletin boards throughout the City.
- G.** External Communication
 1. The City's job vacancy list will be sent to a variety of groups and interested organizations informing them of available positions and the City's EEO Policy.
 2. The Human Resources Department will communicate with representative educational institutions, including vocational schools, for purposes of recruitment.

3. Upon request, copies of the City's EEO Policy and Diversity Plan will be made available by the Human Resources Department.

H. Responsibility for the Diversity Plan

1. All employees are expected to contribute to maintaining a respectful workplace. The actions of every employee are important to achieve Diversity Plan goals.
2. Supervisory personnel are responsible for supporting a respectful and non-discriminatory environment. Management decisions including those regarding hiring, promotion, working conditions, job assignments, training programs and opportunities for serving on committees and panels shall be based on job-related factors. Supervisory personnel are the primary source of information for employees under their direct supervision concerning the EOE Policy and Diversity Plan.

III. Criminal Convictions

The City of Lynchburg does not discriminate unlawfully against persons who have been convicted of criminal offenses. A prior conviction does not automatically exclude an applicant from employment with the City. The nature and the offense of a past conviction is weighed and considered in relation to the duties of the position sought.

IV. Merit Principles and Selection

- A.** A merit system is a system by which selections, appointments and promotions in public service are based on qualifications and competence rather than political favoritism, seniority or other non-job related factors. The City supports the principles of a merit system for selection and performance evaluation to recognize and reward job-related factors.
- B.** Initial selection to classified positions and promotion to higher level positions shall be based upon open competition among qualified applicants. Employees are encouraged to apply for positions in which they are interested. City employees will be given serious consideration for vacancies based upon qualifications necessary for the position sought.
- C.** Applicants for seasonal and non-seasonal wage positions, as defined in Section VII, B, may be selected and/or appointed without regard to the competitive provisions of this policy.

V. Recruitment

- A.** The Human Resources Department shall develop and maintain effective recruitment processes that attract candidates representative of the community and possessing the education, skills and abilities to meet the current and future needs of the City.

B. Filling of Vacancies: Vacant positions may be filled by recruitment from inside and/or outside sources as determined appropriate in coordination with the selecting department director or designee. Vacancies may also be advertised with the local employment commission, newspapers and electronic media, other government agencies, journals, private recruiting firms, colleges, professional and civic organizations, churches and other sources. The City supports cross training, job rotation and promotion from within and may confine competition for vacant positions to members of the City workforce or a specific department if determined to be in the best interests of the City.

C. Advertisements: Vacancy listings and/or postings shall be developed and used to attract applicants for most City positions. Normally, vacancies shall be advertised for a minimum of five (5) business days and applications will be accepted only when a position is posted. However, high turnover positions may remain continuously under recruitment in order to maintain pools of qualified candidates and to quickly fill such positions as vacancies occur. In addition, the Human Resources Department may accept applications for employment at any time in anticipation of future needs. Such applications may be included in future competitive processes.

D. Application Process: The Human Resources Department shall provide the methods and means by which interested parties and current employees may apply for positions under recruitment. The process may include the use of a standard City application form, resumes, and other methods such as electronic, facsimile or computer-based applications which allow applicants an opportunity to accurately reflect their education, training, previous work experience, knowledge, skills and abilities. The Human Resources Department, individual departments, or outside firms, agencies or consultants, as approved by the Director of Human Resources, may administer the process.

E. Examinations: The application process may include examinations such as alcohol and drug testing, skill testing, written examinations, personal interviews, assessment centers, polygraph testing in the case of entry level public safety or public safety related positions, physical agility testing, medical, physical, and/or psychological assessment, as determined appropriate and lawful.

1. Every person taking a rated or scored examination is entitled to inspect his or her own rating or score and examination materials; however, such materials shall not be made available to the general public. Inspections shall normally be permitted during regular business hours in the Human Resources Department in the presence of appropriate staff.
2. Every person engaged in a rated or scored examination may request correction by providing documentation to the Director of Human Resources that the examination has been incorrectly rated or scored. Examination materials shall be maintained for a period of two (2) years.

- F. Background Checks:** In the interest of public welfare and safety, some positions such as those in public safety, positions that include working with children, those responsible for handling money and other similar duties, require that applicants successfully complete background checks including, but not limited to, personal reference checks, criminal history, child abuse registry and credit history to ensure that the applicant's past conduct is compatible with the nature and requirements of the position under consideration. An applicant for a position that requires driving a vehicle shall provide a copy of his or her official Department of Motor Vehicles (DMV) record or shall authorize the City to obtain a copy of the DMV record. The applicable department, in conjunction with the Human Resources Department, shall determine the positions and specific checks that will be utilized. In all cases, appropriate state and federal laws shall be followed.
- G. Qualifications:** Qualifications are the education, experience, competencies, skills, abilities, knowledge and other attributes determined most likely to predict successful job performance in a position or group of positions with similar requirements and levels of responsibilities. Acceptable background information and driving record, when required, are included in the attributes necessary to meet minimum qualifications.
- H. Screening of Applicants:** A screening process shall determine those candidates who meet the qualifications for the position(s) to be filled. Such screenings may include, but are not limited to, a review of submitted applications, resumes, education and experience credentials, references, preliminary interviews and other relevant information. City of Lynchburg employment records will be reviewed as a part of the screening process, when an applicant is a current or former employee of the City. Screening may be completed by Human Resources staff, operating department staff or outside public or private agencies, as deemed appropriate by the Director of Human Resources.
- I. Certification and Selection of Qualified Applicants:** From those candidates that meet the minimum qualifications, an appropriate number of applicants determined to be the best suited for the position(s) may be certified to the hiring official for final selection. Current employees and outside applicants may be certified simultaneously and hiring officials shall place emphasis on internal candidates when filling vacant positions.
- J. Periodic Medical Examinations:** Some positions with the City, such as public safety employees and residential care workers, require periodic physical examinations or medical tests as a condition of employment. In positions where regular physical examinations are required, the City is responsible for and fully pays the cost of the exam and any test or procedure related to the basic physical exam. Problems or conditions which need medical treatment and any additional medical exams needed as a result of the basic physical exam are the responsibility of the employee.

Questions regarding responsibility for such medical costs shall be directed to the City's Benefits Manager before additional treatment or testing is performed.

VI. New Employee Orientation

- A.** Except in unusual circumstances, new employees shall complete appropriate pay roll and benefit paperwork on the first day of employment. Supervisors shall make arrangements for newly hired employees to attend benefits orientation in the Human Resources Department on the first day of work.
- B.** New employees shall also attend a general new employee orientation program during the first month of employment. The Human Resources Department shall coordinate the general orientation program and shall notify new employees and supervisors of the date, time and place of such orientation.

VII. Position Categories

A. All City positions fall into one of three categories

- 1. Classified:** those positions authorized by City Council action and funded as individual positions.
- 2. Wage:** those positions that supplement the classified workforce, funded as a pool of resources rather than by individual position.
- 3. Grant-funded:** those positions funded through external sources.

B. Employment sub-categories and benefit distinctions are defined as follows:

- 1. Full-time Classified:** Employees provide regular service on a full work schedule as it applies to their department's regular work hours. They are eligible to receive all City benefits as outlined in the Employment Policies.
- 2. Part-time Classified:** Employees work less than 100% of their department's regular work hours, are designated as hourly employees and paid for actual hours worked. They are eligible for pro-rated holiday, sick and annual leave. Employees working in part-time classified positions are also eligible for or have access to additional employment benefits as described in *Chapter 4, "Benefits."*
- 3. Non-Seasonal Wage:** Employees are employed on an hourly basis in positions that are long term, rather than seasonal. Employees are eligible for pro-rated holiday and sick leave. Employees working in non-seasonal wage positions are also eligible for or have access to additional employment benefits as described in *Chapter 4, "Benefits."*
- 4. Seasonal Wage:** Employees are employed on an hourly basis in positions that are typically of short duration and dependent upon seasonal service delivery needs. While the employees may work unlimited hours they are paid only for the hours actually worked. They are not eligible for any benefits.

5. **Grant-funded:** Employees are hired through outside funding sources such as state or federal grants and are eligible for benefits based on the conditions of the grant or outside funding.
6. An employee working for a Constitutional Officer is considered a Constitutional employee but may be covered by some or all of the City of Lynchburg Employment Policies by Memorandum of Understanding.

VIII. Employment of Special Categories of Individuals

A. Employment of Relatives

1. To maintain the highest level of trust and support from the community, to avoid situations that might result in unfair or preferential treatment of employees and/or the public, and to avoid any appearance of conflict of interest, the City limits the employment and work assignment of employees, regardless of category, that are related to each other or to current City Council members.
2. Members of the same family are eligible for employment with the City; however, such employment may not result in a Public Official or an employee directly or indirectly supervising a member of his or her immediate family.
3. Definitions
 - a. Current City Council members are those individuals serving a current term of office as a part of the City's elected governing body.
 - b. Public Officials are individuals elected or appointed to a position.
 - c. Employees are individuals hired through competitive processes to serve the City of Lynchburg.
 - d. For the purpose of this policy, immediate family are defined as a spouse, parent, spouse's parent, child, brother, sister, grandparent, grand child, brother or sister-in-law, legal guardian and equivalent step-relations, as well as non-related individuals residing in the same household.
 - e. Indirect supervision includes, but is not limited to, being in a position to affect the terms and conditions of another's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation.
4. **Guidelines**
 - a. No Public Official or employee of the City of Lynchburg may directly or indirectly supervise or otherwise have access, control or influence over work activities or salary decisions for immediate family members.

- b. Employees may not be hired, promoted, demoted or transferred to a work assignment that creates a situation in conflict with this policy.
- c. With respect to indirect supervision, employees in positions senior to their immediate family members are responsible for recognizing situations in which employment interactions may be in violation of this policy and must recuse themselves from any involvement or decision-making pertaining to their family member.
- d. An immediate family member of a current City Council member or the City Manager shall not be employed by the City in any capacity. In situations where a member of a current employee's immediate family is elected to City Council or appointed City Manager, the employee must resign his/her position, or shall be released from employment, no later than the date on which the Council member or City Manager takes office.
- e. When the relationship between employees changes, such as through marriage, adoption or living arrangements, creating a situation that violates this policy, employees must notify their supervisor immediately and must be in compliance with the policy within three (3) months.
- f. In certain situations such as public safety emergency response or weather related emergencies, employees that do not normally fall within the supervisory chain of command, including family members, may work together and/or supervise one another for the duration of the emergency.

B. Employment of Non-United States Citizens: Non-United States citizens possessing the ability to work in the United States legally shall be considered for selection, promotion and all other personnel actions on the same basis and under the same processes as United States Citizens, except that applicants for sworn Police Officer and Firefighter/EMS positions must be United States citizens.

C. Employment of Virginia Retirement System (VRS) Annuitants:

An individual receiving a VRS annuity may not be employed in any full-time classified position unless he or she agrees to suspend VRS payments for the duration of the employment.

D. Age Requirements: Persons under the age of 16 shall not be employed in classified positions. The employment of persons under the age of 18 shall conform to Virginia labor laws governing the employment of minors. Sworn Public Safety employees holding classified positions must be at least 21 years of age but no more than 70 years of age.

IX. Initial Employment Period

A. The City of Lynchburg uses an initial employment period as an integral part of the employment process for employees holding full-time, part-time and grant funded

classified positions to determine the suitability of an employee for his/her position. The initial employment period shall be used to assess new employees' work performance, interpersonal behavior and conduct and to allow sufficient time for an employee to adjust to his/her position and work environment.

B. Length of Initial Employment Period: The initial employment period shall be twelve (12) months from the date of hire or date that an employee attains a classified position except in the case of uniformed public safety employees. The initial employment period for uniformed public safety employees, such as police officers and firefighter/EMTs, shall encompass basic recruit and field training, where applicable, plus twelve (12) months in a regular duty assignment. Employees serve only one initial employment period regardless of reassignment, promotion or demotion to other positions.

C. Extension of Initial Employment Period: Twelve (12) months is normally sufficient time to evaluate the suitability of the employment relationship but, in rare instances, an extension of the initial employment period may be warranted. Department Directors may, with specific, job-related justification, extend the initial employment period for an additional period not to exceed six (6) months. Extensions of the initial employment period shall be in writing and shall be included in the official personnel file located in the Human Resources Department. The extension must be discussed with the Human Resources Department and communicated to the employee prior to the end of the original initial employment period. The employee shall be notified in writing of the specific reasons for such extension as well as the specific performance results necessary to ensure on-going employment. An example of an appropriate justification for an extension of the initial employment period is when a new employee has experienced an injury or illness and is unable to work for an extended period of time. In such a situation, an extension of the initial employment period equal to the length of the absence from work may be needed to adequately observe and evaluate the employee's performance.

D. Disciplinary Actions During Initial Employment Period: Employees who have not completed their initial employment period may be subject to disciplinary action as outlined in *Chapter 8, "Employee Responsibilities"* as determined to be appropriate by the supervisor and/or Department Director. Employees disciplined and/or separated from employment during the initial employment period have no appeal or grievance right against such disciplinary action(s).

X. Safety

The Risk Management Department coordinates and communicates a Safety Program for all City employees beginning with New Hire Orientation and continuing throughout employment. The goal of the Safety Program is to protect the safety and health of City employees, assist in preventing accidents and injuries, increase efficiency of operations, and save money for the taxpayers of the City of Lynchburg. "The City of

Lynchburg Safety Manual,” available from the Risk Management Department, includes the purpose and responsibilities of the safety program as well as general safety rules, loss control, accident prevention and reporting procedures. Each City employee is fully responsible for implementing the provisions of the Safety Program as it pertains to operations under his or her control.

XI. Emergency Service

Each City employee has a responsibility to perform whatever duties may be assigned to deliver services to the citizens of Lynchburg. As part of this responsibility, service outside of the normal working hours or in some capacity other than the normally assigned positions may be required. When unusual situations occur and/or the City Manager declares a State of Emergency, all City employees may be required to accept special assignments and perform as needed to ensure appropriate service delivery.

XII. Scheduling of Work

A. Administrative Workweek: Seven (7) consecutive calendar days constitute an administrative workweek. Generally, the City of Lynchburg's administrative workweek begins at 12:01 a.m. Wednesday and ends at 12:00 midnight the following Tuesday.

B. Normal Work Schedule: For most City employees the work schedule shall be five 8-hour days, typically, Monday through Friday from 8:30 a.m. to 5:00 p.m. with a one-half hour lunch period. A regular work day is a day in which work is performed according to the assigned work schedule or approved leave must be taken.

C. Alternative Work Schedules

1. Individual departments and work groups may set alternate work schedules, as needed, to effectively deliver services.
2. Uniformed Fire/EMS personnel assigned to 24-hour shifts may have a duty schedule established consisting of an average of 56 hours per workweek for a total of 168 hours every 21-day cycle or a total of 2912 hours per year. The basic weekly tour of duty for administrative Fire/EMS personnel shall be a 40-hour workweek of five 8-hour days.
3. Uniformed Police personnel may have a duty schedule established consisting of an average of 40 hours per week over a 28-day cycle. The basic weekly tour of duty for administrative Police personnel shall be a 40-hour workweek of five 8-hour days.
4. In some work situations, effective service delivery may be achieved through alternative work options such as job sharing, telecommuting, compressed workweeks and flexible work scheduling. Alternative work options are a business tool and not an employee entitlement. The schedule and work of many

employees and work groups is not conducive to alternative or flexible options and therefore may not be used in all situations. Decisions regarding alternate work schedules are at the discretion of the department director or designee.

D. Lunch periods: Lunch or other meal periods, during which the employee is entirely free of the duties of his or her position for at least 30 minutes, are not considered work or paid time. Duty free lunchtime or other meal breaks of at least 30 minutes during periods of overtime work is usually not paid time. In most situations, employees are expected to take a meal break during the course of the assigned work time. Employees shall consult their supervisor regarding scheduling meal breaks or requests for alternate schedules.

E. Travel time

1. Travel from home to the workplace is not normally considered work or paid time. However, once an employee reports to work, required travel from one location to another during the duty period is considered work and shall be paid time.
2. Travel outside of the regular work schedule, to and from a destination required to conduct City business, is normally considered paid time and shall be included in hours worked for overtime purposes. Examples of City business requiring such travel may include training events, conferences or meetings in other localities or similar situations.

XIII. Managed Vacancy

Prior to filling a vacant position, department directors will review the on-going need for the position and, if the position is critical to effective and efficient service delivery, shall obtain approval from the City Manager to fill the position.

XIV. Reduction in Force

- A.** Employees may be placed in a “Reduction in Force” (RIF) status when filled positions are no longer needed due to departmental restructuring, consolidation, simplification or streamlining efforts or when the City lacks the necessary funding to maintain the position.
- B.** When employees are formally designated to be in a RIF status, the Human Resources Department may suspend normal recruitment processes and attempt to reassign employees affected by RIF, whose performance is acceptable or better, in a manner that results in the least adverse impact to the employee. Several methods may be used;
 1. the employee will be encouraged to apply and compete for vacancies available in higher pay grades;

2. the employee will be considered or reassigned to a vacant position in the same pay grade for which he or she meets the minimum qualifications;
 3. the employee will be considered or reassigned to a vacant position in a lower pay grade for which he or she meets the minimum qualifications;
 4. or, as a last resort, the employee may be separated from employment.
Normally, employees identified for separation due to Reduction-in-Force will be given thirty (30) calendar days advance written notice of such separation.
- C.** Departments must give serious consideration to City employees in a RIF status for vacant positions. This consideration includes giving employees the opportunity to do the job based on current skills and the ability to learn, train and gain experience to fully perform the duties and responsibilities of the job. Hiring officials shall fully justify a decision not to select an employee in a RIF status to the City Manager.
- D.** An employee reassigned due to RIF shall have his or her salary set as defined by the City's Compensation Policies and Procedures.
- E.** Normal recruitment procedures may be used in emergency situations and when the vacant position is highly specialized or does not represent a valid opportunity for current employees.
- F.** In a situation where a City service can best be done through privatization, the "Request For Proposals" will include a provision or request that the successful bidder provide affected City employees an opportunity to apply for employment.

XV. Separation from Employment

- A. Resignation** is a separation initiated by an employee. Employees who leave their position due to resignation shall normally provide at least two weeks written notice to their department director. Supervisors shall document verbal resignations in writing.
1. In the event that an employee is within his or her initial employment period, the two week notice is encouraged but not required.
 2. Once a resignation is submitted by the employee, either verbally or in writing, it may not be withdrawn unless the department director, or designee, agrees to such a withdrawal in writing.
- B. Retirement** is a separation that can be initiated by an eligible employee, as in the case of voluntary retirement, or by management, as in the case of mandatory retirement because of age in sworn public safety positions. In either situation, VRS rules shall apply.
- C. Separation Without Prejudice** shall be used to separate an employee who is unable to report to work due to circumstances beyond his or her control such as

Reduction in Force; an incapacitating medical condition that is not or cannot be resolved; the loss of a required license; circumstances causing conflict with City Policies, such as the employment of relatives policy; incarceration; or similar situation. Employees shall normally be given seven (7) calendar days advance written notice of the separation without prejudice.

- D.** Separations due to disciplinary action are described in *Chapter 8, "Employee Responsibilities."*
- E.** An employee may be separated during the Initial Employment Period if he or she fails to perform at an acceptable level, fails to demonstrate acceptable dependability, conduct or suitability for the position and/or needs of the City.
- F.** If an employee wishes to use annual, personal, and/or compensatory leave time prior to separation, department procedures for requesting and granting leave time must be followed. An employee who has unused annual leave, adjusted hours and/or compensatory time in excess of two-weeks shall normally be paid for such unused paid time off in a lump sum payment at the time of separation rather than remaining on the payroll until all such paid time off is exhausted.
- G.** Workload, staffing shortages and other circumstances may prevent paid leave being granted to the employee, in which case the employee shall be paid for all accumulated annual leave, compensatory time and adjusted hours at the time of separation, as appropriate.
- H.** Prior to or at the time of separation, the employee must return all City owned materials and equipment to the supervisor. The employee must also make arrangements and provide a forwarding address to receive the final paycheck and statement of annual earnings (Form W 2). The Human Resources Department may contact the separating employee to discuss benefit options and schedule an exit interview.
- I. Exit Interview:** An exit interview is a meeting between a separating employee and a Human Resources' staff member. The interview is encouraged in all voluntary separations including retirements and is normally held no later than two weeks after the employee's last day of service. During the exit interview, the employee may discuss his or her reason(s) for leaving and learn about the status of benefits, reinstatement privileges and retirement, if applicable. The exit interview is not intended as a counseling or grievance session. The information gained from the employee on subjects such as pay, benefits, training and working conditions provides important feedback that may contribute to improved job satisfaction for City personnel.

XVI. Reinstatement

An employee, who voluntarily leaves City employment in good standing, may be reinstated, at the department director's discretion, to a vacancy in the former position, salary and benefits, if re-employed within one year from the date of separation. If rein-

stated, such employees shall be considered to have been in a leave without pay status during the period of separation for the purposes of leave accrual, rate of pay and, if eligible, retirement benefits.

XVII. Release of Information

- A.** The Human Resources Department normally treats information provided to it by employees as confidential. In appropriate circumstances and as required by law, requests for employment information shall be forwarded to the Human Resources Department for appropriate response.
- B.** Human Resources may release specifically requested information to other City departments and local, state and federal agencies in order to allow those departments and agencies to perform their necessary duties as follows.
 - 1. Information Requested by Employees:** Current and former employees of the City of Lynchburg have the right to review any information in their personnel files. An employee, or designee, may review the contents of his or her official personnel file by visiting the Human Resources Department during normal office hours. Proof of identity must be provided before the personnel file may be reviewed.
 - 2. Information Requested by City Departments:** Routine information such as dates of employment, job title and salary history shall be given to representatives of City departments if the department has a valid need for the information and the information is concerning an employee of that department. Information requested by another City department shall normally not be provided unless the requesting department has a valid need for the information, such as when an employee from another department is being interviewed for a position.
 - 3. Information Requested by Individuals Outside the City:** Requests for information concerning City employees are often received from federal agencies, credit bureaus, individual employers and others.

The following information is given in response to such requests:

- a.** Verification of name
- b.** Verification of employment
- c. Present employees** - verification that the person is employed by the City and the job title
- d. Former employees** - verification of dates of employment and the job title, not including the reason for separation
- e.** Salaries of employees who earn in excess of \$10,000 annually are a matter of public record and must be released upon request

Compensation

I. Compensation Philosophy

(Adopted by City Council, November 25, 2003)

- A.** Inherent in City Council's vision of responsive, effective local government, the mission of the employees of the City of Lynchburg is to deliver services to City residents, workers and visitors in an efficient, effective and equitable manner and to build a stronger community.
- B.** The goal of the City of Lynchburg's compensation program is to attract, reward and retain employees that are representative of the community and fully able to deliver services at acceptable levels.
- C.** The City will develop and maintain a Pay Plan guided by the following principles:
 - 1.** Public service is an admirable occupation and the employees who have dedicated themselves to the service of the City's residents are to be valued.
 - 2.** City employees shall be compensated in ways that reflect market competitiveness and recognize performance in alignment with organizational goals.
 - 3.** Each City employee is a unique individual, with his or her unique and particular needs and aspirations. No compensation program can accommodate every individual circumstance. Rather, the intent is to have a program that reasonably provides choices and the flexibility to assist employees in achieving their goals, while encouraging individual responsibility and reflecting the prevailing market environment.
 - 4.** The Pay Plan must be fiscally responsible and affordable; it will always be constrained by resource availability.
 - 5.** No pay plan is perfect; every variable cannot be addressed equally and to the satisfaction of all. Choices and trade-offs based on the organization's values, goals and priorities must be made.
 - 6.** The Pay Plan shall be rational and based on clear guidelines that can be easily understood and communicated.
 - 7.** Differences in compensation for reasons other than job classification, performance, qualifications, longevity or legal requirements are inappropriate. Specifically, there shall be no discrimination related to non-job related factors such as race, color, national origin, religion, gender, age, disability or political affiliation.

D. The City's compensation program will:

- Balance salary and non-salary benefits to achieve competitive total compensation.
- Assure that like jobs are valued with comparable methodology and are treated similarly in terms of base pay.
- Manage pay ranges with respect to the relevant market for comparable work.
- Promote individual contributions and high levels of performance that advance organizational and departmental missions and outcomes.
- Consider relevant market data, internal equity, knowledge, skills and abilities, length of service in the job and demonstrated performance in setting individual pay.
- Attract applicants with the basic skills needed to perform the job and the ability to quickly learn the specific requirements of the position.
- Allow new employees with relevant experience (both quantitative and qualitative) and demonstrated competence to be hired at a pay rate above the range minimum.
- Ensure that the pay of current employees with experience similar to new employees is comparable (assuming satisfactory performance).
- Support alternate pay systems based on unique business needs that are, to the greatest extent possible, consistent with the overall compensation philosophy.
- Be fiscally constrained.

E. Market Comparisons

The “market” is defined as other employers considered being in competition for personnel similar to those employed by the City. Ideally, market analysis will compare pay and benefits in other organizations of similar size, cost of living, service delivery requirements and organizational structure. Generally, this will include Virginia's First Cities, local governments in the region, and private sector employers as appropriate.

F. Pay Plan Adjustment

1. When considering pay plan adjustments, no single measure will be considered in isolation. Management judgment is important.
2. Evidence that the pay ranges for specific positions or job categories need to be reevaluated will be demonstrated by significant variance from the market, excessive turnover, and/or difficulty recruiting.

G. Advancement Through the Pay Range

1. It is a goal to move the compensation program to include performance based increases. Employees should be encouraged to make a performance difference, either individually or through teams, in which results are more important than

entitlements (i.e., seniority, hierarchy, or the expectation of additional pay for changing responsibilities).

2. Individual contributions should serve as a significant factor in determining individual compensation. Higher performance should be rewarded by quicker advancement in the relevant pay range. Minimally acceptable performance should not be rewarded although efforts should be made to keep pay comparable to market. Performance at less than an acceptable level should result in no advancement in pay and requires management intervention to assist the employee in achieving satisfactory performance. Sustained and documented unsatisfactory performance is grounds for demotion or dismissal.
3. Advancement through a pay range may reflect longevity (length of service) but should be primarily tied to performance (effectiveness, demonstrable skills and competencies that produce outcomes/results contributing to the achievement of the organization's mission and goals). Longevity may also be recognized through indirect compensation (such as the carryover of increased annual leave balances, higher deferred compensation matches, etc.).

H. Positive Work Environment

Compensation is only one determinant of employee satisfaction and may be secondary to the work itself and the work environment.

Accordingly, the City will strive to maintain a positive work environment characterized by:

- A focus on employee safety
- Adequate work space
- Appropriate equipment
- Effective management practices and positive management attitude
- Consistent, effective and efficient policies and procedures
- Workforce training and development
- Opportunities for selection and promotion from within

II. Pay Plan

- A. The City's Pay Plan is an administrative structure that includes a series of market-based pay grades, ranges and broad bands. Each classified position in the City is assigned to the appropriate grade or band in the City Pay Plan that is in keeping with the nature of work, the degree of responsibility involved in the position and the relevant labor market. Employee base pay shall fit within a pay range or band and shall be at a rate no less than the minimum and no greater than the maximum. The City regularly reviews the Pay Plan and makes changes to the structure, as necessary, in accordance with the Compensation Philosophy. The City Manager may establish compensation for high level managerial positions in lieu of assignment to this structure.

B. Plan Maintenance: The City Pay Plan is maintained by analyzing information collected through periodic salary and benefits surveys for comparable positions in market organizations and internal information regarding recruitment and retention.

On a regular basis, information about average pay, range parameters and benefits in the market is collected for those positions common to most organizations (benchmark positions) and compared to City average pay, range parameters and benefits. Each City position is linked to a benchmark position therefore, the survey results apply to all City positions. This information, along with information regarding recruitment difficulty and turnover, provides the basis for decisions regarding pay range parameters, grade placement and employee pay adjustments.

C. Communication of the Plan: Annually, the most recent Pay Plan and a listing of all City positions with assigned pay grades is posted on the Human Resources Department intranet site.

III. Position Classification/Reclassification

- A.** Classification is the assignment of a position to a pay grade or pay band based on an assessment of the duties and nature of work, the degree of responsibility and the relevant labor market.
- B.** To maintain fair, competitive pay for all employees, the City may utilize a job review process to analyze positions to determine appropriate pay grade assignment. Changes to the pay grade of existing positions may be implemented due to changes in the relevant labor marker, duties and responsibilities, structural changes, changes in the needs of the organization, when new positions are developed or other similar situations.
 - 1. The initial assignment of or recommendations for changes to the pay grade of a position is made by the Human Resources Department following a review of the position.
 - 2. Requests to establish new positions and/or review current positions to determine appropriate grade placement must be made in writing by a department director, or designee, and submitted to the Human Resources Department. The request must include a description of the new position or change(s) to the current position, written justification and a completed Job Analysis Questionnaire. A desk review will be conducted by HR staff and a written recommendation on appropriate grade placement will be conveyed to the department director. As needed, a site visit and field review will be completed to ensure full understanding of the duties and responsibilities of the position.
 - 3. Requests to review filled positions are normally accepted from July 1 through October 31 of each year in conjunction with budget preparation. Requests for review of new and/or vacant positions will be accepted at any time.

4. Departments must use existing departmental resources to fund reclassification of vacant positions. In addition to Human Resources approval to change the pay grade placement of vacant positions, the Budget Office must also verify that departmental funding is available.
 5. In the event that a Department Director disagrees with the pay grade placement resulting from a review, he or she may appeal Human Resources' recommendation to the City Manager. The City Manager's decision is final and not subject to further appeal.
 6. All departmental procedures relative to position reviews, classifications and reclassifications must be approved by the Human Resources Department prior to implementation.
- C.** Reclassification is the reassignment of a position from one pay grade to another resulting from a formal review requested by a Department Director and completed by the Human Resources Department. Reclassification is normally the result of a significant change in the duties and responsibilities of a position, structural changes, a change in the needs of the organization or other similar situations as determined by the Director of Human Resources.

Employees in positions that are reclassified (moved) to a higher grade will receive a salary increase equal to 5% of the current base pay, or the minimum of the new grade, whichever is greater. Funding for this increase will be included in the departmental budget proposal and when approved will be included in the personal services appropriations. The effective date of reclassification and the associated pay increase shall be based on the effective date of the appropriation. In the event that unusual circumstances warrant a pay increase in excess of the usual 5%, a request for the additional increase must be made in accordance with the Within Grade Increase provisions below.

IV. Pay Actions

Employment actions such as selection, promotions and reassignments typically have a pay action associated with the action. The following sections include the usual actions and corresponding pay action. In most cases, review by Human Resources and Budget are required prior to applicant or employee notification and implementation of a pay action.

A. New Hire Pay

Pay for newly hired employees is determined based on a variety of factors such as the grade assignment of the position, the employee's level of knowledge, skills and abilities and current market conditions. In no case will a new employee's pay be set below the minimum of the assigned pay grade or above the maximum of the assigned pay grade.

1. **Initial Pay Rate:** Newly hired employees shall normally have their pay set at the beginning of the pay range established for the position.
2. **Pay Rates Above Minimum:** There may be situations when it is necessary to set pay above the minimum of the pay grade, based on the value of the position to the City, the knowledge, skills and experience the candidate brings to the position, and market conditions for the particular position. Department Directors have the discretion, based on available resources, to set pay and benefits for a newly hired employee within the pay range. Such decisions must be supported by written justification to the Human Resources Department and verification of available funding by the Budget Office. The justification shall include the value of the position to the Department, the knowledge, skills and experience the candidate brings to the position, the impact of above minimum salary on other incumbents and the market conditions for the particular position.
3. **Contracts for Pay Above Minimum:** In some instances, it may be unclear at the point of hire whether the new employee has the necessary skills to warrant a hiring salary above the minimum of the pay grade. In these situations, the Department Director may hire the employee at the minimum of the pay grade and award a within grade increase in six months if the employee meets specific performance conditions. The details of this agreement, including specific performance objectives, amount of salary increase, and date of evaluation and implementation of increase, shall be documented in writing to the employee. Such actions must be coordinated with Human Resources and the funding verified by the Budget Office prior to making an offer to the candidate. A copy of the agreement shall be maintained in the official personnel file in Human Resources.

B. Overtime Compensation

All City departments have established work schedules as required by workload, production flow, service needs, and the efficient management of resources. In addition to these established schedules, service delivery needs may require overtime work when authorized by management, i.e., more than 40 hours of actual work in one administrative work week. The following pay actions apply when overtime work is authorized.

1. **Eligibility for Overtime Compensation:** The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek. However, section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees in bona fide executive, administrative or professional positions.

2. In compliance with the FLSA all positions in the City are designated as EXEMPT or NON EXEMPT. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the regulations. Non-exempt employees are covered by the FLSA and are eligible for overtime compensation for hours worked beyond the threshold established by the FLSA.
3. **Overtime Compensation for Non-Exempt Employees:** The FLSA requires that non-exempt employees receive overtime compensation at 1.5 times the hourly rate for hours worked in addition to specified hours threshold, normally 40 hours in one administrative work week, except sworn Public Safety positions, which have a threshold established in accordance with section 207k of the FLSA (see Chapter 2, Scheduling of Work). While paid time off is not included as hours worked under the FLSA regulations, the City provides a more generous benefit than is required by law and includes all paid time off except sick leave as actual time worked for overtime compensation purposes. A non-exempt employee shall not work any time that is not specifically authorized by his or her supervisor. Non-exempt employees are prohibited from performing any "off-the-clock" work, i.e., work performed but not recorded on the timesheet.
4. While employees in exempt positions are not subject to the provisions of the Act and therefore, are not typically eligible to receive overtime compensation, the City may choose to pay overtime, under certain conditions, to employees classified as exempt under the FLSA guidelines. Such conditions may include unusual or emergency circumstances when the employee performs work usually defined as non-exempt and as included in procedures previously approved by the City Manager.
5. Exempt employees are not typically eligible for overtime compensation however; they may, with the approval of their supervisor, use discretion to adjust their regular work schedule following extended periods of work in excess of 40 hours per administrative work week.
6. Overtime compensation may be in the form of compensatory time or monetary payment, at management's discretion. The City limits the amount of compensatory time a non-exempt employee can earn in lieu of cash overtime payment to 60 hours (120 hours for uniformed public safety employees) after which monetary payment must be made. While employee preferences may be considered, employees may be required to take accrued compensatory time off as paid leave at management's discretion. Unused compensatory time must be paid promptly upon separation from City employment or upon promotion or reassignment to an exempt position.

C. Call Back Pay

Call back refers to situations when an employee is off duty and is called to return to work to deliver services required to protect the immediate safety, security

and/or well-being of the community. All employees are subject to call back to work, outside of or beyond standard working hours, in unusual and/or emergency situations where additional staffing is needed to deliver services. Examples of such situations include, but are not limited to, unexpected staff shortages or absence, emergency repairs, snow or other weather-related emergencies, public safety emergencies, staffing emergency shelters and/or similar emergency situations.

In call back situations, a non-exempt employee required to report back to work or remain at work beyond his or her regular shift shall be compensated for the specific hours worked at his or her overtime rate and when called back to work, 45 minutes travel time at his or her overtime rate. Call back pay shall not be available for pre-planned duties such as meetings or presentations, planned activities such as leaf removal, warrant service or in instances where an employee is required to work beyond his or her scheduled hours to perform normal duties.

D. Stand-By Pay

1. Stand-by is time that a designated non-exempt employee must remain available to report to work during off-duty hours, in accordance with his or her department's operating procedures, but is normally not unduly restricted in his or her freedom to conduct personal business. An employee on stand-by is not required to remain at work or home and is free to engage in personal pursuits, with the understanding that he or she must be available by phone or pager to respond and report to work if necessary.

A non-exempt employee assigned to stand-by shall be compensated as follows for the stand-by time:

- a. One (1) hour regular pay for each 24-hour day, Monday through Friday, or regular work day of the employee's assigned regular work schedule.
 - b. One (1) hour regular pay for each eight (8) hour period on Saturday, Sunday, observed holiday or other regularly scheduled day off.
 - c. Stand-by pay may be awarded as the equivalent amount of time off in lieu of payment; however all unused stand-by hours must be paid out at the employee's regular rate of pay at the end of each calendar year.
2. If an employee on stand-by is called out to work, he or she shall be compensated for the specific hours actually worked plus a maximum of 45 minutes travel time at his or her overtime rate.
 3. Each City department shall identify the positions subject to stand-by and shall establish written operating procedures, subject to review and approval by the City Manager, for stand-by coverage including a rotation schedule, acceptable response time and application of stand-by pay processes.

4. Exempt employees are not eligible for stand-by pay, with the exception of Social Services Division employees who shall be compensated in compliance with State requirements. However, an exempt employee on stand-by who is called out to work may, with the approval of their supervisor, use discretion to adjust their regular work schedule following extended periods of such work.

E. Performance Increases

After completion of the initial employment period, employees may be eligible for annual performance increases at rates determined by City Council in the adopted annual budget. (*Refer to Chapter 5, "Performance Management" for more information on performance evaluation.*)

F. Certification Pay

Employees may be eligible for compensation in addition to base pay under the specific provisions of a departmental certification pay plan. Certification pay is typically earned while the employee possesses a job-related license or certificate and performs work related to the license or certificate. Certification pay is normally removed upon loss of the certification or license. Certification pay may be reported to VRS as creditable compensation but is not a part of base pay for pay adjustment purposes such as promotional or performance increases.

G. Acting Duty/Assumption of Additional Duties

Acting appointments occur, at the discretion of a department director, when an employee assumes part or all of the duties of a position that has been restructured or vacated due to resignation, termination, retirement or extended leave. Assumption of additional duties occurs when an individual takes on specific programs or tasks outside the scope of their normal job.

1. Acting Duty or Assumption of Additional Duties assignments are formalized when the acting appointment or the assumption of additional duties is expected to last 30 days or more. These temporary assignments are normally limited to one year. An acting appointment or assumption of additional duties may be extended beyond one year, with the written approval of the Director of Human Resources, based on justification provided by the Department Director.
2. Acting appointments or the assumption of additional duties shall be documented in writing and shall be made a part of the employee's official personnel file.
3. **Acting Duty Pay Actions**
 - a. The City may provide additional compensation for employees who accept acting appointments to vacated or restructured positions, who assume additional duties due to resignations, terminations, retirements, extended leave, or who assume additional programs or responsibilities, based on the

degree of responsibility assumed. Additional compensation is normally expressed in a percentage of base pay. The salary of an employee who takes on all of the duties of a higher level position will typically be increased 10% or adjusted to the minimum salary of the grade in which appointed, whichever is greater. An employee who takes on all of the duties of a higher level position also takes on the conditions of employment of the position such as FLSA status. In exceptional situations an employee may be granted a temporary increase greater than 10% or the minimum of the range based on the recommendation of the Department Director, verification of available resources and approval of the Director of Human Resources.

- b. When less than full duties of a higher level position are assumed, or programs or tasks at a lower or equivalent level of responsibility, outside the normal scope of the job are assumed, the Department Director will determine the amount of temporary, additional pay, if any. Typically, additional pay in this situation will be no more than 10% of current base pay.
- c. If an employee is receiving acting duty pay at the time an annual increase is awarded, the employee is awarded the increase based on the pay in effect prior to receiving acting duty pay.
- d. At the end of the acting status or additional duties, the employee's pay will return to the level of pay in effect prior to the appointment to acting status or additional duties, plus any annual increases which the employee may have received.

H. Within Grade Increases

1. Within grade increases are pay adjustments that increase an employee's base salary for reasons other than performance or pay range adjustment. Such increases are at the discretion of the City Manager, based on requests by Department Directors and verification of available resources by the Budget Office.

Department Directors may request a within grade increase for an employee in the following circumstances:

- a. To increase the pay of an employee whose salary lags significantly behind the average salaries of his/her peer group due primarily to the effects of past variances in the City's pay system such as timing of merit increases and promotions;
- b. To increase the pay of an employee whose salary is significantly behind either the market average or the salary of other employees holding the same job title who have equal or less required training and/or experience;
- c. To increase the pay of an employee who has taken on additional responsibility that meets the needs of the City, but does not meet the criteria for a reclassification; and/or

- d. To aid in the retention of a valuable employee who has received a competing job offer.
- 2. All requests for within grade increases must be submitted in writing to the Human Resources Department. The request must include the supporting justification for the request and describe how the increase will be funded through the department's existing resources, as verified by the Budget Office. The Human Resources Department shall forward requests to the City Manager with a recommendation regarding implementation of the request.
- 3. Increases in accordance with the provisions of a new hire contract are within grade increases that increase an employee's base pay for reasons outlined within the agreement.

I. Promotions

An employee who competes for and moves from his or her current position to a position with distinctly different duties and responsibilities that is assigned to a pay grade or band with a higher minimum shall be granted a 10% base pay increase or increase to the minimum of the new range, whichever is greater, at the time of promotion in recognition of his or her assumption of higher-level duties and responsibilities.

- 1. There may be situations when it is appropriate for a Department Director to consider an increase of more than 10%.

In those situations, a base pay increase not to exceed the maximum of the new grade may be awarded under the following circumstances:

- a. The promoted employee has a higher than normal level of experience, skill, knowledge and education based on the needs of the position.
- b. A higher increase is needed to ensure peer group equity within the new position based on skill, experience, knowledge and education.
- c. A higher increase is appropriate due to market conditions in which it is clear that hiring from outside the organization would require a higher salary.
- 2. Department directors considering increases beyond the standard increase outlined above must provide written justification to Human Resources Department and Budget Office confirmation of available resources prior to communicating and awarding the increase to the promoted employee.
- 3. A promoted employee retains the standard July 1st anniversary date and is eligible for an annual increase, based on the current pay rate, regardless of the date of promotion.

J. Progression within an Alternate Pay System or Band

Human Resources in conjunction with individual departments, or independently, may establish alternate pay systems and structures where pay zones or levels within a broad band are more appropriate than traditional pay ranges. Customized systems may be designed to fit the specific goals and needs of one or more departments or groups of positions. Written criteria shall be included that distinguishes one level from another and establishes the procedures for pay changes within the band. Employees assigned to positions within such a system shall have their pay set and increased in accordance with the provisions of the system.

K. Demotions

An employee who, due to poor performance, failure to meet job requirements or misconduct, moves from his or her current position to a position with distinctly different duties and responsibilities that is assigned to a pay grade with a lower minimum shall have his or her pay reduced by 10% or moved to the maximum of the new range whichever is lower.

L. Reassignments

1. **Reassignment Within the Same Pay Grade:** An employee who moves from one position to another position within the same pay grade shall retain his or her current rate of pay.
2. **Reassignment Through No-Fault to a Lower Grade:** An employee who is moved from one position to another position with a lower pay grade through no fault of his or her own (such as reorganization, reduction-in-force, reclassification of the position, the needs of management or in response to market factors) shall have his or her pay set at a rate within the lower range that results in the least loss of pay but that does not exceed the maximum of the range.
3. **Voluntary Reassignment to a Position in a Lower Grade:** An employee who requests and is granted placement in a lower grade shall have his or her pay set at the minimum of the new range or have his or her pay reduced by 5% whichever results in the least loss of pay.

M. Other Pay Actions

Other pay actions such as car allowances, deferred compensation match and one time monetary rewards and incentives may be added to base pay as appropriate and in compliance with the compensation philosophy.

V. Pay Process

- A. It is the City's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that employees

are paid properly for all time worked and that no improper deductions are made, each employee must complete appropriate records regarding time worked and leave taken.

- B.** In addition to required deductions for federal and state income tax, Social Security and those required by court orders, such as garnishments and child support payments, an employee may also authorize other City approved pay deductions, such as contributions for dependent medical and dental coverage, United Way contributions, Flexible Spending Accounts, the purchase of U.S. Savings Bonds, deposits in the Credit Union or contributions to the City's Deferred Compensation Program.
- C.** To ensure that employees are paid properly, each non-exempt employee shall record all time worked on the "Hourly Employees Hours Worked/Leave Form" or other form approved by the Department Director. Each exempt employee shall record all leave taken on the "Full Time Classified Employee Exception Form" or other form approved by the Department Director.
- D.** Employees are paid in two week increments through direct deposit and receive direct deposit statements every other Thursday through their assigned department. The City makes every effort to ensure pay accuracy and each employee shall review his or her direct deposit statement when received to make sure that the pay is correct. Occasionally, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we will promptly make any corrections necessary. An employee, who believes that a mistake has occurred, or an improper deduction has been made, must immediately report this information to his or her direct supervisor or to the Human Resources Department. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

E. Direct Deposit

The City requires Direct Deposit of pay to qualified financial institutions. All employees must participate in direct deposit.

1. Definitions

- a. Direct Deposit** - a system under which an employee formally authorizes the City to deposit all or part of their net pay into the employee's personal financial account.
- b. Financial Institution** - a bank, credit union, savings and loan association, or other depository that is a member of the Automated Clearing House.
- c. Net Pay** - the amount of pay after all mandatory withholdings and any mandatory or voluntary deductions or disbursements are made.
- d. Prenote** - a test process used to ensure that the routing numbers, account numbers and other information are validated by the receiving financial institution before actual dollars are deposited.

- e. **Automated Clearing House (ACH)** - a central clearing facility which provides distribution and settlement of electronic financial transactions.

2. Direct Deposit Procedures

- a. Upon hire, the employee shall complete a “Direct Deposit Authorization/Change Form” and submit it to the Human Resources Department. The employee shall also submit a copy of a voided check or other verification of the account number and routing number for each account with the signed form.
- b. An employee may choose to split his/her net pay between a maximum of two (2) financial institutions, with a maximum of two (2) accounts per institution. If the net pay is directed to more than one account, a dollar amount must be designated, in writing, for each account except one. The account with no dollar amount shall be designated “balance of net pay” to account for possible changes in total pay each pay period. Employees who use the Lynchburg Municipal Employees’ Credit Union must choose either Direct Deposit or payroll deduction. They may not use both.
- c. A “Prenote” will be sent to the financial institution(s) to ensure that account and routing numbers are accurate. The employee will receive a physical paycheck for the pay period when the prenote is sent. Normally, the pay will be directly deposited by the following pay period.
- d. If for any reason the City is alerted that an employee's money is not posted to the appropriate account, the City will contact the employee to try to resolve any discrepancies as soon as it is notified by the bank. If the City is unable to resolve the problem in sufficient time for the check to be deposited with the associated payroll, it may be necessary to provide the employee a physical paycheck. This may cause a delay in the employee receiving his or her pay.
- e. An employee must notify Human Resources when he or she changes financial institutions, account numbers or makes any other changes that might affect the direct deposit transaction. An employee may make changes to the amounts deposited or to the names and/or numbers of accounts at his or her discretion by completing and submitting a revised Direct Deposit Authorization/Change form. All changes and forms must be received in Human Resources in accordance with pay processing schedules. The forms required to initiate or change direct deposit are available in Human Resources or on the City’s intranet.
- f. Direct Deposit funds will typically be posted at the financial institution by the start of business on the Thursday prior to the scheduled pay day. When a City or banking holiday falls on Thursday, the direct deposit funds will be

available to the financial institution on the first banking day preceding the holiday. Any fees associated with the Direct Deposit service will be paid by the City. The City is not responsible for any other fees, such as those associated with minimum balances or the use of ATM cards that may be charged by a financial institution. Employees are cautioned that funds may not be available for use until the morning of the regular pay day regardless of the date the funds arrive at the financial institution.

- g.** Employees are required to use Direct Deposit, except when a prenote is sent in response to requested changes, or under exceptional circumstances as approved by the Director of Human Resources, or designee. When account numbers or financial institutions change, a prenote will normally be sent to ensure accuracy. The employee will receive a physical paycheck for at least one pay period while the prenote is sent.

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Benefits

An array of City provided benefits combined with direct salary or wages establish a total compensation package that supports the City's goals of attracting, rewarding and retaining employees that are representative of the community and fully able to deliver services at acceptable levels. In addition to the benefits outlined within this chapter, paid time-off benefits are outlined in *Chapter 5, "Paid Time-Off and Absence from Work."*

I. Right to Make Changes

From time to time, conditions or circumstances may require that the City make changes, additions, or deletions in its benefits program for both active employees and retirees as the City determines are appropriate. This policy does not grant employees or retirees vested benefits, in other words, employees and retirees are not guaranteed current or future benefits, unless required by federal or state law.

II. Medical and Dental Coverage

A. Eligibility: Group medical and dental coverage is currently available for all full time classified employees and their eligible dependents. Enrollment takes place at new hire orientation and coverage typically begins the 1st day of the month following the date of full-time hire and thereafter during open enrollment periods. Employees may make changes in their coverage during open enrollment periods and when an event occurs that allows changes such as marriage, divorce and birth or adoption of a child.

B. Cost of Coverage: The City currently pays 100% of the cost for the employee's coverage. Employees who elect to cover their eligible dependents are responsible for 100% of the cost of the dependents' coverage. Payment for dependent coverage must be made through payroll deductions.

III. Group Life Insurance

A. All full-time classified employees are eligible for the City's basic group life insurance plan. The life insurance plan is administered by the Virginia Retirement System (VRS) and underwritten by a provider selected by VRS.

B. Coverage for death due to natural causes is two times the annual base salary, rounded up to the nearest thousand dollars. The accidental death benefit is four

times the annual salary. The City currently pays 100% of the cost for the basic group life insurance plan.

IV. Optional Group Life Insurance

- A.** All full-time classified employees are eligible to purchase optional group term life insurance for themselves, their spouse and their children .
- B.** The employee is responsible for 100% of the cost of the optional life insurance.
- C.** Employees may purchase coverage in amounts of 1, 2, 3, or 4 times their annual salary. The amount of coverage available to spouses and children depends on the amount of coverage selected by the employee.

V. Retirement

- A.** All full-time classified City employees are enrolled in the Virginia Retirement System (VRS) based on the date of hire. An employee hired between the first and fifteenth of the month begins coverage on the first of the month of hire. An employee hired after the fifteenth of the month begins coverage the first of the following month.
- B.** The City currently contributes all payments necessary for participation in VRS.
- C.** VRS is a State retirement system and all rules and regulations regarding contributions and retirement benefits are made by the State legislature. The City, as a member employer, must comply with all regulations as set forth by the legislature.
- D.** An employee may request a refund from VRS of a portion of retirement contributions upon termination from employment in accordance with VRS regulations.
- E.** Effective July 1, 1999, the City adopted full retirement benefits at age 50 with 30 years service. Uniformed public safety employees (police, fire, sheriff department) are eligible to retire with full benefits at age 50 with a minimum of 25 years of service.
- F. Retirement benefits are based on three factors:** years of service, the average of the highest consecutive 36 months of compensation, and age at the time of retirement. Details concerning the Virginia Retirement System are covered in the Handbook for VRS Members, available in the Human Resources Department.
- G.** The City reserves the right to participate in another retirement system should it deem appropriate.

H. Health and Dental Coverage During Retirement

- 1.** The City currently allows retirees, who retire directly from the City i.e., leave service and immediately begin to receive a retirement benefit from VRS, and their eligible dependents to continue to participate in the group health and dental plans as dictated by sections 3.a, 3.b, 3.c and 3.d on the next page.

2. Employees who terminate from City service and defer retirement are not eligible to continue to participate in the City's group health plan. Deferred retirement occurs when the employee who terminates service does not elect or is ineligible for an immediate retirement benefit from VRS.
3. Retirees may continue to participate in the group health and dental plans based on the date of full-time hire and in accordance with the provisions outlined below. From time to time, conditions or circumstances may require the City to make changes, additions, or deletions in its health and dental care coverage for both active employees and retirees as the City determines are appropriate. This policy does not grant employees or retirees vested health or dental coverage benefits, in other words no employee or retiree is guaranteed current or future health or dental coverage benefits.
 - a. Full-time Classified Employees hired on or after July 1, 1996 are currently eligible to participate in the City's health and dental plans at the retiree's expense when they retire directly from the City, as defined above, under the following conditions:
 - i. The employee must have at least 15 years of full-time service with the City of Lynchburg and
 - ii. The current premium value of the medical coverage must be paid wholly by the retiree.
 - b. Full time Classified Employees hired on or after July 1, 1990 but before July 1, 1996 are currently eligible to participate in the City's health and dental plans and receive City contributions for the coverage when they retire directly from the City, as defined above, if they meet all of the following three conditions:
 - i. The employee retires directly from the City of Lynchburg, and
 - ii. The employee has at least 15 years of full time municipal service with the City, and
 - iii. The employee worked for the City five of the 15 years immediately preceding retirement.
 - c. Full time Classified Employees hired prior to July 1, 1990 are currently eligible for health and dental plan participation and receive City contributions for that coverage when they retire directly from the City, as defined above.
 - d. **Job Related Disability Retirement:** An employee who qualifies for disability retirement under the Virginia Retirement System is subject to the requirements outlined in sections 3.a, 3.b, and 3.c above to determine eligibility for medical and dental plan participation and City contributions.

VI. Deferred Compensation

A. The Deferred Compensation Program is an individual income investment plan authorized by Section 457 of the Internal Revenue Code, which can be used as a supplement to retirement plans and Social Security. The City currently allocates resources to coordinate the Deferred Compensation Program and to provide an incentive to participants, through matching funds.

B. Eligibility

1. Employees holding Full-Time Classified (FTC) and Part-Time Classified (PTC) positions are eligible to participate in the Deferred Compensation Program effective with the date of hire and are eligible to receive City matching funds once they have completed the initial employment period or after one year of service whichever comes first.
2. Employees in FTC or PTC Grant-Funded positions are eligible to participate in the Deferred Compensation Program but may receive matching funds only when the grant includes sufficient resources to wholly fund such payments.
3. Employees holding Seasonal or Non-Seasonal Wage positions may participate in the Program but are not eligible for matching funds.

C. As a part of an overall benefits program, the Human Resources Department coordinates the Deferred Compensation Program. The Program is directly administered by the International City Management Association - Retirement Corporation (ICMA-RC), which is specifically organized to promote voluntary retirement plans for local government employees. Participant contributions are deducted on a pre-tax basis. Program participants have numerous investment choices from which to choose. All contributions remain with ICMA-RC until the funds are withdrawn in accordance with ICMA-RC guidelines upon separation from employment, retirement or death.

D. Program Guidelines

1. Individual voluntary contributions to the employee's Deferred Compensation account shall be made by the employee through payroll deductions. Contributions must be at least \$5.00 per pay period and may not exceed the maximum allowed by law.
2. Initial Program enrollment and changes in deductions shall be submitted to the Human Resources Department. A signed authorization form is required prior to actual deductions or changes.
3. The City currently contributes matching funds for eligible employees actively participating in the Deferred Compensation Program each pay period, to the maximum determined annually by City Council.
 - a. The City's contribution of matching funds shall begin when a participant has completed the initial employment period or one year of service, whichever occurs first

- b. Matching fund amounts shall be determined annually as a part of the budget approval. The matching funds are initially set at \$5.00 per pay period and may increase based on the length of the participants continuous employment with the City.

4. ICMA-RC Responsibilities

- a. The ICMA-RC will assign an account manager to the City of Lynchburg who shall be accessible and periodically meet with employees.
 - b. ICMA-RC will provide general information and individual account information directly to employees.
5. The Benefits Manager in the Human Resources Department coordinates with the ICMA-RC account manager and provides routine information to participants about Deferred Compensation.

VII. Employee Assistance Program

- A.** The City currently contracts with Employee Assistance of Central Virginia, Inc., (EACV) a private, non-profit corporation located in Lynchburg, to provide an Employee Assistance Program (EAP) for its employees and their families.

B. Services

- 1. **Individual:** The EAP is a service to help resolve personal problems that may be interfering with work performance or home life. Examples include marital and family conflict, drug and alcohol, financial, emotional, career and employment concerns, and parenting issues.
 - 2. **Groups:** EACV may work with workgroups directly or provide intervention strategies as needed to address issues contributing to poor working relationships or an ineffective work environment.
- C.** The staff of EACV is bound by contract with the City and professional standards to keep all information, including visits, conversations, and employee information strictly confidential to the extent allowed by law. EACV will not acknowledge that an employee has contacted them unless the employee provides written consent to do so or the employee was referred by the City. When an employee is referred by management, EACV only advises the City of the contact and whether or not the employee participates.

D. Procedures

- 1. Employees or members of their families may self-refer and contact EACV directly. Supervisors may encourage employees to contact EACV or they may make a Supervisory Referral to EACV, as described below, if he or she believes that poor performance or inappropriate behavior is the result of personal problems.

2. Employees who test positively for drugs or alcohol under the City's Drug Free Workplace Program may be referred to and required to meet with EACV. *(Refer to Chapter 8, "Employee Responsibilities," VI. "Drug and Alcohol Testing" for more information)*
3. **Supervisors shall follow the procedures outlined below when making a Supervisory Referral:**
 - a. Contact the Human Resources Department to discuss the referral and to obtain the required referral forms.
 - b. Complete the referral form and share with the employee in a face-to-face meeting.
 - c. If the employee accepts the referral, call EACV to set up an initial appointment.
 - d. Provide paid time off for the employee to attend the initial appointment with an EACV staff member. If subsequent appointments are needed, appropriate accrued leave shall be used.
 - e. Employees referred to EACV are expected to cooperate with recommendations and treatment plans. Failure to do so will result in appropriate management action as employees shall be held accountable for the behavior identified as the reasons for the supervisory referral.
 - f. If the employee refuses to meet with EACV, the supervisor shall document such refusal and include it in the employee's official personnel file.

VIII. Workers' Compensation

- A. The City provides Worker's Compensation benefits as mandated by law to all employees. The program provides compensation and medical payments in the event that an employee is unable to work due to a work-related illness or injury.
- B. If an employee has an accident that arises out of and in the course of employment, the employee must report the accident to his/her supervisor immediately. Failure to report the accident promptly may result in loss of compensation and payment of medical expenses.
- C. **Benefits provided under the City's Worker's Compensation program include compensation for:**
 1. Temporary Total Disability
 2. Temporary Partial Disability
 3. Permanent Partial Disability
 4. Total and Permanent Disability
 5. Medical Expenses
 6. Rehabilitation Expenses
 7. Death Benefits

- D.** The Virginia Worker's Compensation Act is administered by the Virginia Workers' Compensation Commission. The City complies with all rules and regulations as set forth by the Commission regarding the handling of Worker's Compensation claims.
- E.** The following claim procedure must be strictly followed, otherwise it could result in the employee paying the cost of his/her medical treatment or prejudicing the City against the injured employee's claims.

An injured employee must do the following:

- 1. Immediately report all accidents or occupational illnesses to your supervisor.
- 2. Complete an accident report for each and every occupational incident.
- 3. Select a physician from the City's "Panel of Physician" list.

NOTE: If the employee does not use a physician from the City's panel, the employee is financially responsible for any incurred medical expenses.

F. Employer Responsibilities

- 1. The City is financially responsible for up to 2/3 of lost wages and 100% of medical expenses incurred by the employee resulting from a compensable on the job accident or occupational illness.
- 2. The City maintains a self insurance fund for Worker's Compensation. As a result, the City is largely dependent on communication with supervisors and departmental management to control Worker's Compensation costs.
- 3. The Human Resources Department, working with the Risk Management Division, oversees Workers' Compensation in compliance with the Workers' Compensation Act of Virginia.
- 4. When a work-related injury or illness also qualifies as a serious health condition under the FMLA, absences of more than one work week will be designated as Family Medical Leave concurrent with Worker's Compensation.

G. Worker's Compensation Salary Supplement

- 1. Employees filling classified positions who qualify for compensation payments for any injury or occupational illness under the Virginia Worker's Compensation Act shall normally receive a supplemental payment for up to three (3) months. The salary supplement is designed to help minimize the financial hardship caused by temporary on-the-job injury or job-related illness. The total of the Worker's Compensation payment and the salary supplement will approximate the employee's regular net pay. Salary supplements are not available in situations of a reoccurrence of an injury or illness.

2. Guidelines

- a. When an employee's on-the-job injury results in their being unable to work, the first seven (7) calendar days of the employee's lost time will be designated as injury leave, and the employee will receive his/her normal salary for that time. Time lost for injuries that are not approved for Workers' Compensation must be applied to some other form of leave, such as sick, annual or personal leave.
- b. When it appears that an employee's on-the-job injury or job-related illness will result in the employee being unable to work for seven (7) calendar days or more, the departmental payroll clerk will contact the Benefits Manager in the Human Resources Department, who will coordinate the process of transferring the employee to the Worker's Compensation payroll division in the Finance Department and initiating the Worker's Compensation salary supplement. The departmental payroll clerk will also process the paperwork to designate the Worker's Compensation absence as Family and Medical Leave (FML). Staff in Human Resources is available to assist with issues involving FML.
 - i. The Worker's Compensation payroll clerk in Finance will determine the employee's average wages for the last 52 weeks, and work with the Benefits Manager to determine the amount of the Worker's Compensation payment.
 - ii. The Worker's Compensation Administrator, under contract with the City, will pay the Worker's Compensation payment directly to the employee on a biweekly basis.
 - iii. Once the Worker's Compensation payment amount is determined, the Worker's Compensation payroll clerk in Finance will determine the amount of the salary supplement needed to ensure the employee receives within \$1.00 of the same net regular pay. "Net regular pay" is defined as gross wages less the mandatory withholdings (Federal, State, FICA and Medicare taxes) the employee was earning at the time of the injury. It does not include optional deductions such as family health and dental insurance, deferred compensation, optional life insurance or similar deductions.

For example, the supplement for a full-time classified employee with \$1,731.20 gross wages, single and claiming 0 deductions, would be calculated as follows:

Gross	\$ 1,731.20	Gross Supplement	\$ 30.00
Federal .....	.332.94	Federal .....	.0
State .....	.84.10	State .....	.0
FICA .....	.107.33	FICA .....	.1.86
Medicare .....	.25.10	Medicare .....	.44
Net Regular Pay	\$ 1,181.73		
Less WC Grant	\$ 1,154.71		
Net Supplement Required	\$ 27.02	Net Supplement Paid	\$ 27.70
Total Net Pay	\$ 1,182.41		

- iv. When the Workers' Compensation payment starts in the middle of a pay period, both the Workers' Compensation payment and the supplement will be based on 1/14 of the supplement per day.

For example, in the above scenario, an employee on Workers' Compensation for the last 3 days of the pay period (Sunday through Tuesday) would receive a Workers' Compensation payment of \$82.48 per day (\$1,154.71 divided by 14) and a supplement of \$1.98 per day (\$27.70 divided by 14), or \$5.94.

- v. The employee may authorize additional deductions from the supplement, such as family or dental insurance, optional life insurance, or deferred compensation; to the extent funds are available. If sufficient funds are not available, the employee may continue these programs by making monthly payments by check or money order. The employee must contact the Human Resources Department to arrange these payments.
 - vi. The Benefit Manager will complete the paperwork necessary to start and end the salary supplement, and make any other changes necessary. The department payroll clerk will process the first payment, and then will transfer the employee to the Workers' Compensation Payroll in Finance.
 - vii. The salary supplement (minimum of \$1.00) will be processed through regular payroll and sent to the employee's department with the regular biweekly payroll materials.
- c. The employee is eligible to receive the supplement for up to three (3) months. At the conclusion of three (3) months if an employee is still unable to return to work, the employee may request a continuation of the supplement for an additional three (3) months. The Director of Human Resources, after consultation with the employee's Department Director and the Benefits Manager, may approve this request if there is evidence that the employee will be able to return to full duty within the additional three (3) months, or the employee's application for disability retirement is pending. The supplement will not be extended if disability retirement has been denied, even if under appeal, unless there is reasonable expectation that the employee will return to full duty within the additional three (3) months. Additional extensions may be considered on a case-by-case basis.
 - d. While receiving the supplement, the employee will continue to be eligible for health, dental and life insurance, and will accrue sick, annual and personal leave. The employee will also receive VRS service credit for the length of the supplement. Once the supplement ends, the employee may elect to continue their health and dental insurance coverage through COBRA.
 - e. When the employee returns to work, time off of less than a day for follow-up medical attention will be designated to injury leave.

IX. Other Benefits

A. Flexible Spending Accounts

1. The City allows employees to voluntarily have a portion of their pay placed in a health care reimbursement account, dependent care account and/or transit reimbursement account as permitted by the Internal Revenue Service (IRS) Code. The portion of pay that is diverted to these accounts is not subject to Federal income or Social Security taxes. The Flexible Spending Accounts help employees defray the costs of eligible medical, child care and transportation expenses by setting aside tax-free dollars for these expenses.
2. Employees in full-time and part-time classified positions may enroll in the Flexible Spending Account Program effective on the first of the month following their date of hire. Open enrollment is held each December for the plan year January 1 - December 31. Enrollment is voluntary but once enrolled; participants are bound by IRS regulations that control withdrawal from the program.
3. Each Flexible Spending Account has dollar limits and restrictions regarding expense reimbursement. Please consult the enrollment materials for specific information and restrictions.

B. Voluntary Supplemental Benefits

At the City's discretion, other supplemental benefits such as additional life or medical insurance, short-term disability coverage, long term care, etc. may be available to employees. Supplemental benefits are offered through a third party and are not a part of the City's standard benefits program. However, the City offers the convenience of pre-tax and after-tax payroll deductions, as appropriate, for these supplemental programs.

C. Credit Union

The Credit Union is a non-profit financial agency that supports the financial needs of City employees but is not an official City department and receives no operational funding from the City.

1. The Lynchburg Municipal Employees Federal Credit Union is a non profit, federally insured service agency operated exclusively by and for City and School employees
2. All City employees and their immediate family members are eligible to become members of the Credit Union.
3. The Credit Union, among other services, provides low interest loans to members. Share accounts are also available and employees may arrange to have money deducted automatically from their City paychecks for deposit in the Credit Union account.

4. The Credit Union office is located at 3176 Fort Avenue in Lynchburg. The Credit Union posts hours of operation for its members. While the Credit Union is a service offered to City employees, it is not appropriate to use working time to conduct business at the Credit Union. Employees must use appropriate leave if visiting the Credit Union during regular work hours.

D. Uniforms and Uniform Allowances

1. At the City's discretion, employees may be provided uniforms and/or special clothing to be worn while performing official duties. Department directors shall designate the type, color and style of uniforms which shall be worn by the employees within their respective departments and shall issue rules and procedures governing the initial issuance, maintenance, replacement and accountability for such uniforms.
2. The Chief of Police and Fire/EMS Chief may authorize the payment of a clothing allowance for specific employees and/or positions that are required to wear civilian clothing during the performance of regular duties. The amount and payment process of the clothing allowance shall be identified in departmental rules and procedures and shall be appropriated through the annual budget process.

E. Take Home Vehicles

1. In general, there is no absolute need for any City employee to take a City-owned vehicle home every day. The decision to allow a City employee to take a public vehicle home shall be based on a determination that allowing or requiring the vehicle to be taken home will be demonstrably beneficial to the delivery of services to the citizens through enhanced productivity or cost savings. The City Manager shall have the final authority to determine if an employee may take a City-owned vehicle home on a regular basis.
2. The objective of the take home vehicle policy is to ensure that public property, specifically vehicles, is used properly in the public interest and not to the personal advantage of City employees.
3. **City employees are not authorized to take home City-owned vehicles except under the following circumstances:**
 - a. The employee is on twenty-four (24) hour call for emergency response where rapid or immediate response time is required.
 - b. The employee is on call and drives a vehicle specially equipped to fulfill a departmental mission.
 - c. A determination has been made, and approved by the City Manager, that allowing or requiring a vehicle to be taken home will be demonstrably beneficial to the delivery of services to the citizens of Lynchburg through enhanced productivity or cost savings.

- d. On a case by case basis, with Department Director approval, to facilitate attendance at work functions at locations and/or times where it would be more convenient, or more productive, to attend while proceeding to or from home without having to obtain a City-owned vehicle from a central location (e.g., evening meetings, travel out of town, job site inspections). Such approval shall end when the specific reason for taking the vehicle home has passed.
- e. As stipulated in an agreement, pre-approved by the City Manager.
- f. With the approval of the City Manager, employees previously allowed to take vehicles home prior to the implementation of this policy.

D. The use of a take home vehicle is subject to the following conditions:

1. There shall be no personal use of City-owned vehicles unless such use is incidental and minimal, such as travel to or from lunch or medical appointments or for personal errands on the way to or from work, or during lunch break, if the errand requires only a minor deviation of one mile or less from the normal route traveled.
2. Individuals allowed to take home a City-owned vehicle shall reside within the City of Lynchburg unless there is a clear demonstration of the value of allowing the vehicle to be taken out of the City and such use is approved by the City Manager.
3. There shall be an annual review of take home vehicles justified for emergency response to include the number of times the vehicle was actually used for emergency response after being taken home.
4. An employee utilizing a take home vehicle shall be taxed according to prescribed IRS rules and regulations for any compensatory benefits received from the use of a City-owned vehicle.
5. Under no circumstances shall a spouse, dependent or any other person not employed by the City be permitted to operate a take home vehicle.
6. Unless waived by the City Manager, every take home vehicle shall have decals, markings and other identification as prescribed for City-owned vehicles.

Paid Time Off and Other Absences

I. General Information

- A.** Paid time off is an employee benefit that is an important part of the City's total compensation package that provides time away from work for rest, relaxation and personal purposes and provides for employee pay during times of illness or incapacity.
- B.** Paid time off may be used in ¼ hour increments. Accrued paid time off is a personal benefit to an individual employee and shall not be loaned, or sold to another employee, except through participation in the Leave Donation Program. Employees shall be granted authorized leave only for its intended purpose.
- C.** Regular attendance at work is a critical component of meeting the service delivery, productivity and efficiency goals of the City. Employees are expected to maintain regular, predictable attendance and to report to work on time except for time off approved under the following provisions.

II. Leave Accrual

- A.** Eligible employees accrue leave on the 15th of each month if they are employed and in a paid status on the 15th of that month. An eligible employee accrues eight (8) hours of sick leave, 11.2 hours for Fire/EMS personnel assigned to 24-hour shifts and annual leave according to the following chart.

B. Leave Accrual Categories

Total creditable service for annual leave accrual purposes shall be computed from the date of appointment or conversion to a full-time classified position.

- 1. Full-Time Classified Employees:** employees holding full time classified positions earn leave as follows.

Fire/EMS personnel assigned to 24-hour shifts earn annual leave based on a conversion factor of 1.4 times the rates below:

Months of Service	Annual Leave Hours Accrued Per Month	Annual Leave Hours Accrued Per Year	Sick Leave Hours Accrued Per Month	Sick Leave Hours Accrued Per Year
0 - 60	8	96	8	96
61 - 120	10	120	8	96
121-180	12	144	8	96
181 -240	14	168	8	96
241 +	16	192	8	96

2. Other Than Full time Classified

- a. Employees assigned to part-time classified positions earn pro-rated annual leave in 2 hour increments based on the annual hours budgeted for the position. The annual leave accrual rate does not increase for part time classified employees due to length of service.
- b. Part-time classified and non-seasonal wage employees earn pro-rated sick leave in 2 hour increments based on the annual budgeted hours for the position. For example, an employee who is budgeted to work 1,040 hours per year (half-time) accrues 4 hours of sick leave each month.

3. Maximum Accrual

- a. Annual leave may accumulate throughout the year but the amount that may be carried forward from one calendar year into another calendar year is limited to 288 hours, 403 hours for Fire/EMS personnel assigned to 24-hour shifts.
- b. Sick leave accrual shall be limited to a maximum of 960 hours, 1344 for Fire/EMS personnel assigned to 24-hour shifts.

4. Effect of Reassignment: Promotion, demotion, transfers or reassignment does not affect the amount of accumulated annual or sick leave.

5. Separation

- a. Upon separation from employment, an employee (or the employee's estate in case of the employee's death) will receive payment for a maximum of 288 hours, 403 hours for Fire/EMS personnel assigned to 24-hour shifts, of accumulated, but unused annual leave.
- b. The pay-out for unused leave shall normally be paid in a lump sum rather than by maintaining the employee in an active status until the accrued leave runs out.
- c. Employees shall not be paid for unused sick leave when the employee leaves employment with the City of Lynchburg for any reason.
- d. Employees shall not be paid for unused personal leave when the employee leaves employment with the City of Lynchburg for any reason.

III. Annual Leave

Annual leave is paid time off from work for vacation, recreation or other personal purposes.

A. Scheduling

Annual leave is normally scheduled in advance with the approval of the supervisor. Employees must comply with established departmental procedures regarding scheduling of annual leave such as completing appropriate leave request forms.

B. Approval

Approval of annual leave is at the discretion of the supervisor and, may be denied in situations such as when necessary to keep an operation or shift adequately staffed or when an employee has been absent from work for significant periods of time for other reasons. Employees may be called back to work from approved annual leave for valid service delivery reasons such as an emergency (*refer to Chapter 2, Section X, “Emergency Service”*).

C. New Hires

On occasion, as a recruitment tool, a prospective employee may be granted service credit for annual leave accrual purposes if he or she has prior municipal service or when in the judgment of the Department Director such service credit is appropriate. Granting additional service credit at the time of new hire is at the discretion of the Department Director.

IV. Sick Leave

Sick leave is paid time off that is normally used to cover an employee’s absence for the following reasons:

- An employee’s incapacity because of illness or injury.
- An employee’s medical and dental appointments.
- The illness or injury of an employee’s dependent family member that requires the employee’s presence.
 - For the purposes of sick leave usage, a dependent family member is defined as the employee’s parent, spouse, child/stepchild or person for whom the employee has been appointed legal guardian.

A. Scheduling

Sick leave may be scheduled in advance, but is typically requested on a daily basis. Employees must comply with established departmental procedures regarding requesting sick leave such as notifying a supervisor prior to the start of the workday or other processes.

B. Approval

Approval of sick leave is at the discretion of the supervisor and, may be denied in situations when the supervisor has valid reasons to believe that the employee is abusing sick leave.

C. Medical Certification

The City may, at its discretion, require medical certification for any sick leave taken including medical certification indicating that the employee’s presence is

required for the incapacity of a dependent family member as well as additional medical opinions if there is a disagreement. Acceptable evidence of illness, injury or incapacity of the employee or family member is determined by the relevant department or division director.

D. Abuse of Sick Leave

When there is reason to believe that an employee is abusing sick leave privileges, such as a pattern of use that indicates an employee is not actually incapacitated, management action including requiring certification and/or disciplinary action may be taken. Examples of patterns that may indicate sick leave abuse include consistently using sick leave as it is accrued, consistently requesting sick leave on Fridays and/or Mondays, consistently requesting sick leave the day after payday, or similar behavior.

- E.** Employees shall not be paid for unused sick leave when the employee leaves employment with the City of Lynchburg for any reason.

V. Personal Leave

Personal leave is paid time off to be used for personal purposes at the employee's discretion.

- A.** Employees holding full-time classified positions are granted 16 hours of personal leave per calendar year on the 1st of January following full-time date of hire. Fire/EMS Department employees assigned to 24 -hour shifts are awarded 22.4 hours of personal leave per calendar year. Newly hired employees are granted eight (8) hours of personal leave at the time of hire, 11.2 hours for Fire/EMS employees assigned to 24-hour shifts.
- B.** Personal leave is normally scheduled in advance and shall be approved by a supervisor. Employees must comply with established departmental procedures regarding scheduling of personal leave such as completing appropriate request forms.
- C.** Unused personal leave does not carry forward into a new calendar year.
- D.** Employees shall not be paid for unused personal leave when the employee leaves employment with the City of Lynchburg for any reason.

VI. Funeral Leave

- A.** Funeral leave is leave with pay granted to employees holding full-time and part-time classified positions upon the death of a member of an employee's immediate family for the purpose of attending services, handling the affairs of the deceased or similar needs. For funeral leave, immediate family is defined as the employee's: spouse, parent, spouse's parents, child, brother, sister, grandparent, grandchild, brother or sister in law, son or daughter in law, and guardian, and equivalent step-relations.

- B.** Upon request, the department director shall grant funeral leave for a period not to exceed three consecutive working days (to a total of 24 hours depending upon regular work schedule or 33.6 hours for Fire/EMS employees assigned to 24-hour shifts), or five consecutive working days in the event that the deceased resided in the same household as the employee (to a total of 40 hours depending upon regular work schedule or 56 hours for Fire/EMS employees assigned to 24-hour shifts). In the event of multiple deaths in the employee's immediate family, each death will be treated separately and funeral leave will be granted accordingly.
- C.** If more than the allotted number of days leave is required or if leave is desired for a death other than the immediate family, time off may be granted at the discretion of the employee's supervisor and charged to other appropriate paid leave.

VI. Holiday Leave

A. The City of Lynchburg observes the following paid holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day

- B.** When the actual holiday falls on a Saturday, the Friday before the actual day shall be observed as the holiday; when the actual holiday falls on a Sunday, the Monday after the actual day shall be observed as the holiday. Occasionally, Christmas and Christmas Eve will fall such that the observation will not follow the normal pattern, in which case an appropriate two-day observation will be determined and publicized in advance. In addition to the above holidays, City Council may declare other days to be designated as City holidays.
- C.** Employees who work in operations that must be continuously maintained regardless of holidays shall use the actual calendar holiday instead of the observed holiday for employees that are required to work on the actual holiday. For example, when December 25 (Christmas Day) falls on a Sunday, Monday, December 26 is the observed holiday for most employees. In this situation, December 25 is the actual calendar holiday and would be used as the holiday for designated personnel. The Department Director shall identify such operations and employees in writing.
- D.** Full-time employees who actually work, or who are in an approved paid leave status, on the last working day before the holiday and the first working day after the holiday shall be paid their normal straight time rate as if they had worked their normally-scheduled shift.
- E.** Part-time classified and non-seasonal wage employees in an active pay status during a work week that includes a holiday receive pro-rated Holiday Leave in two-

hour increments based on the annual budgeted hours. For example, an employee who is budgeted to work 1,040 hours per year (half-time) would accrue 4 hours of holiday pay (50% of the holiday hours) as each holiday is observed.

- F.** When an employee is required to work on a holiday, Holiday Leave accrues at a rate of one hour for each hour actually worked during the regular work shift up to 8 hours per holiday (11.2 hours in the case of Fire/EMS personnel assigned to 24-hour shifts). At the department's discretion, an employee may be paid for these hours at the time they are earned, at their normal straight time rate, or the hours may be used to take time off on another day. Each employee may carry up to 80 (112 hours in the case of Fire/EMS personnel assigned to 24-hour shifts) hours of Holiday Leave into a new calendar year. Any hours in excess of 80 (112 hours in the case of Fire/EMS personnel assigned to 24-hour shifts) at the end of the calendar year shall be paid at the employee's normal straight time rate.
- G.** Alternate Holiday Leave procedures may apply, as required by business need, to personnel who are normally scheduled to work holidays as a part of their regular work shift. In such cases, written procedures must be approved in advance by the Director of Human Resources.

VII. Other Absences with Pay

A. Court Service

An employee who is required to perform jury duty or is subpoenaed to appear in court outside his or her regular duties, except for the reasons included in item 2 below, shall be granted sufficient paid time off to perform such duties. When an employee is summoned to serve as a juror, subpoenaed as a witness or party in relation to the performance of his/her job or is involved as a witness to a crime, such time will qualify as "court service."

1. Court Service Procedures

- a.** An employee who is required to be absent from work because he or she has been summoned as a juror or subpoenaed as a witness must provide his/her supervisor with a copy of the summons or subpoena as soon as it is received.
- b.** In accordance with State law, an employee is not required to work on the day of his or her day of service on a jury. Upon returning to work after any absence for jury duty, the employee must provide the supervisor with a certificate from the clerk of court that verifies the service.

2. Absences Due to Other Court Appearances

Employees must charge absences due to court appearances that are outside of the areas outlined above, or due to an employee's personal business involving court appearances, to paid leave i.e. annual leave, personal leave, compensatory time or adjusted hours.

Some examples of situations which do not qualify as paid court service leave are:

- a. Child support cases
- b. Divorce proceedings
- c. Automobile accidents which occur off the job
- d. Civil court summons for non job related civil action
- e. Employee charged with violating the law unrelated to their job

NOTE: Department Directors, in conjunction with the Human Resources Department, will determine the applicability of the use of court service leave.

VIII. Military Leave

- A.** Military Leave is an employee's approved absence from work due to the performance of military duty on a commission or non-commission status, and on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, funeral honors duty by National Guard or reserve members, or for an examination to determine a person's fitness for any of the above forms of duty.
- B.** Employees shall notify their supervisor immediately when they learn of an upcoming need for military leave, and shall provide a copy of the official military orders as soon as possible.
- C.** Employees are eligible for paid leave of up to 15 workdays per federal fiscal year (October 1-September 30) when on military leave. For the purposes of paid military leave, a "workday" is defined as 1/260 of the total working hours an employee would be scheduled to work during an entire federal fiscal year. For full-time employees, 15 "workdays" equals 120 hours per year, fire personnel assigned to a 24-hour shift are eligible for 168 hours per year. Weekends are included to the extent that they are part of an employee's regularly scheduled work time. Whenever possible employees shall try to schedule their military leave at those times that have the least impact on the departments' service delivery needs.
- D.** Employees may take additional types of appropriate paid leave when paid Military Leave is exhausted.
- E.** An employee whose absence does not exceed five (5) years and are released from service under honorable conditions are eligible for reemployment rights and employment benefits as described under the "Uniformed Services Employment and Reemployment Rights Act of 1994."

IX. Injury Leave

An employee who sustains an on-the-job injury or contracts an occupationally related disease which incapacitates him or her from performing his or her duties may

be granted up to seven (7) calendar days off with pay. Such time off without loss of pay or charge to leave shall end at the close of business on the seventh (7th) calendar day. Extended absence due to on-the-job injury or illness shall typically be covered under the Workers' Compensation provisions of this policy after seven days. (*Refer to Chapter 4, "Benefits," VIII. Workers' Compensation for more information.*)

IX. Administrative Leave with Pay

At the discretion of a department director, an employee may be granted paid time off for a variety of purposes such as employee recognition or reward, visiting other city offices for work-related assistance, counseling or training, pending the results of official investigations, pending disciplinary action, or other circumstances where the department director determines that the employee's absence from work is in the best interest of the City. Decisions to extend administrative leave with pay for more than 15 work days shall be coordinated with the Director of Human Resources and shall be documented in the employee's official personnel file.

X. Family and Medical Leave

- A.** In accordance with the Family and Medical Leave Act, Family Medical Leave (FML) is available to eligible employees who need time off from work for their own serious health condition, the serious health condition of a family member, or the birth, adoption or placement of a child in their home, and intend to return to work at the end of the leave. The individual may be eligible for up to 12 weeks of leave (both paid and unpaid) during a 12-month period.
- B.** Employees who have been employed with the City for at least one year and have actually worked 1,250 hours over the previous 12 months are eligible for FML.
- C.** The Family and Medical Leave Act provides up to 12 workweeks of job protected leave during a 12-month period to eligible employees for one or more of the following events:
 - 1. The birth and first-year care of the employee's newborn child; or
 - 2. The adoption of a child by the employee or the foster care placement in the employee's home during the first year; or
 - 3. The care of a spouse, child or parent with a serious health condition; or
 - 4. when an employee is unable to perform the job duties of his/her position due to a serious health condition.

D. FML Definitions

- 1. **Job protected leave** - the employee is guaranteed the right to return to his/her former position or to an equivalent job following the leave period.

2. **Serious health condition** - an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider that causes the employee to be absent from work on a recurring basis or for more than a few days.
3. **12-month period** - the City uses the following method of determining the FML year: An employee's 12 month eligibility will begin with the first day he or she takes FML. He or she may take up to 12 workweeks (480 hours) of FML during the next 12 months. For example, an eligible employee who begins taking FML on February 2, 2002 will be able to take up to 12 weeks from that date through February 1, 2003. The next FML "year" would begin the next time FML is taken after completion of this 12-month period. If the next qualifying event occurs on June 17, 2003, then the next FML "year" would run from that date through June 16, 2004.

E. Notification/Requirements

1. When the need for leave under FMLA is foreseeable such as in the case of the expected birth, adoption or foster care placement of a child or planned medical treatment for a serious health condition of the employee or a family member, the employee must provide at least 30 days advance notice to his/her supervisor. Employees are encouraged to schedule treatment and services in such a way as to limit the amount of disruption their absences will cause in the workplace.
2. In the event that it is not practicable to give such advance notice, due to a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, the employee should give as much advance notice as is practicable, ordinarily within one or two business days of when he/she learns of the need for the leave. An employee's failure to give timely notice could delay his/her eligibility for FMLA leave. Notice requesting leave under FMLA should be in writing.
3. Regardless of whether an employee requests FML, the City normally designates leave as FML as soon as it becomes apparent that the employee is out of work for a reason that meets the requirements of the law. Typically, an absence will be designated as FML when the employee has been or is anticipated to be absent for 5 or more work days due a qualifying situation.

F. Medical Certification Requirements

1. When the necessity for FML exists due to the employee's own serious health condition or the serious health condition of a spouse, parent, son or daughter, the employee must provide, at his or her own expense, certification from the health care provider(s) of the condition and a statement of the need for leave is required. This statement must include all information required on the US

Department of Labor's Medical Certification Form. This form is available on the City Intranet or from the Human Resources Department.

2. The City may require a second opinion by a health care provider of its choice, and at its expense. If the two opinions differ, a third opinion may be requested from a provider selected jointly by the employee and the City. This third opinion, to be paid for by the City, is final and binding. The City may also require periodic reports from the employee as to the employee's status and intent to return to work.

G. Use of Paid Leave

Employees must use all appropriate paid leave concurrent with FML, prior to the use of leave without pay. All absences qualifying for FML, whether paid or not, including absences paid under Worker's Compensation, will automatically count towards the employee's 12-week FML allowance if the employee is otherwise eligible and has not exhausted his or her FML allowance.

H. Intermittent or Reduced Leave

1. While most family and medical leave occurrences will require leave to be taken in a single block of several weeks, the employee may request "intermittent" leave or "reduced leave schedule" to care for a seriously ill family member and/or for the employee's own serious health condition where the need for leave is foreseeable and based on planned medical treatment. In the case of the need for a reduced leave schedule or intermittent use of leave, a certification of medical necessity is required from the health care provider and an appropriate work schedule must be planned in advance with the supervisor.
2. An example of intermittent leave would be the requirement to take chemotherapy treatments over a prolonged period which may not require a continuous block of absence but rather intermittent periods of absence to attend to the schedule of treatments. A reduced work schedule might also be the most effective solution in situations where an employee has shared responsibility with another family member or a third party for the care of a family member with a serious health condition. Time away from the job on an intermittent or reduced scheduled basis is to be counted hour for hour towards the 12 workweeks allowed under the Act.
3. If an employee requests intermittent leave or reduced leave schedule, the City may temporarily transfer the employee to an available alternative position with equivalent pay and benefits, if such a position is available, the employee is qualified for the position and it better accommodates recurring periods of leave than the employee's regular job.
4. Approvals of requests for intermittent or reduced leave for the birth or placement of a child during the first year are not required under FML. The department,

upon consultation with the Human Resources Department, shall evaluate such requests on a case-by-case basis.

I. Spouses Both Working With the City

In cases where both spouses are City employees, they may take a combined total of 12 weeks of FML for birth, adoption, foster care placement, and/or parental illness. They may each take twelve weeks for their own illness or that of their spouse or child. Situations involving both spouses working with the City should be coordinated through Human Resources.

J. Insurance Continuation Privileges

Employees on unpaid leave which is designated as FML will continue to receive, if eligible, health, dental and life insurance benefits up to the maximum 12 workweeks allowed. These benefits will continue on the same basis as an active employee during this 12-week period. Whether on paid or unpaid leave of absence, the employee must make arrangements to pay applicable health and dental costs for dependents. Those on unpaid leave must also make arrangements to continue other deductions, such as optional life insurance premiums.

K. Effect on Other Benefits

1. While on FML (paid or unpaid), an employee will continue to receive credit for service for the purposes of leave accrual. FML will be treated as “continued service” for purposes of vesting and eligibility to participate in VRS retirement and life insurance plans.
2. In all cases where an employee is using some form of approved paid leave such as annual, personal and/or sick leave, the employee will continue to accrue leave benefits.

If at some point paid leave is exhausted and unpaid leave is taken, employee benefits other than health, dental, and life insurance are discontinued for the duration of the unpaid leave status as follows:

- a. Annual, sick, personal, or holiday leave is not accrued for the duration of the unpaid leave.
- b. Virginia Retirement System (VRS) contributions will not be made on behalf of an employee on unpaid leave for 30 days or more. Upon return to work, employees are encouraged to contact VRS about the possibility of purchasing the lost service time.

L. Record-Keeping

1. Once a request has been received, the department must respond promptly, in writing, conditionally approving or denying the leave, and explaining the employee’s rights and responsibilities.

This written notification must include the following:

- a. A description of the leave requested (reason and duration).
 - b. Whether or not the FML request is approved.
 - c. If not approved, the reason why.
 - d. If approved, whether medical certification is necessary, and the date such information must be returned.
 - e. Whether the employee must use all accrued paid leave prior to using unpaid leave.
 - f. What arrangements must be made to continue health, dental, and optional life insurance coverage.
2. Sample letters are available on the City Intranet.
 3. Departments shall maintain appropriate information including the dates that each employee has taken family medical leave; the number of hours of family medical leave taken by each employee if leave is granted in increments smaller than a day; and records of any disputes between the employer and any employees over the designation of leave as family medical leave.
 4. To track FML hours, payroll clerks shall use the appropriate hours codes when processing payroll to have the leave designated as FML.
 5. Copies of the written notification approving or denying the request for FML and all medical information shall be sent to the Human Resources Department. The department and the employee are responsible for ensuring that no more than 12 workweeks of FML leave is taken during a 12-month period.

M. Questions/Issues

Employees are encouraged to contact their supervisor or the Human Resources Department if they have questions about Family and Medical Leave. For further information, employees should consult with their supervisor, read the pamphlet “What You Ought to Know About Family and Medical Leave” available from the Human Resources Department, or contact the Human Resources Department for further explanation.

XI. Leave Donation Program

- A. The City of Lynchburg supports the sharing of accrued paid leave through a voluntary Leave Bank program that allows members to donate and request paid leave. Leave donation provides access to paid leave for eligible employees unable to work due to an unexpected personal or family illness, injury or catastrophic situation. The City of Lynchburg Leave Bank Board shall administer the program.

- B.** City of Lynchburg employees assigned to full-time classified, part-time classified and grant funded with benefits positions may participate in the Leave Donation Program.
- C.** The Leave Donation policy establishes guidelines for effective administration of a voluntary program of leave donation which allows eligible employees to access paid leave when unable to work due to their own non-job related injury, unexpected temporary disability or illness, or the unexpected illness or incapacity of a family member. Such absence shall be the result of an unforeseen medical emergency of a serious and unplanned nature and, in the opinion of a licensed physician, is expected to last at least 10 consecutive working days after all accrued paid leave is exhausted. The program is not intended to assist employees with absences due to routine medical problems, treatments or procedures not medically necessary and/or predictable medical events.

D. General Guidelines

1. The Leave Bank program provides a means for employees to help coworkers and their families alleviate the financial hardship that may be brought about by unforeseen illness or injury of significant duration.
2. Participation in the Leave Bank as a donor or as a recipient is completely voluntary and is subject to Department Director approval.
3. Eligible employees may donate annual leave, adjusted hours and/or compensatory time to the Leave Bank.
4. All donations and receipt of paid leave will be in one (1) hour increments.
5. Membership in the Leave Bank entitles an employee to apply for donated leave.
6. The City Manager will appoint a maximum of five (5) employees to the Leave Bank Board for a two-year term. The activities of the Leave Bank Board shall be coordinated by the Director of Human Resources.
7. Decisions regarding requests for donated leave as well as management of the program are the responsibility of the Leave Bank Board.
8. Decisions of the Leave Bank Board are not grievable.

E. Membership/Donation to the Leave Bank

Leave Bank membership is available to all eligible employees and entitles those employees to both donate and request paid leave in accordance with the provisions of this policy. Eligible employees may enroll in the Leave Bank at the beginning of any pay period by completing the "Request for Membership" form and sending it to the Human Resources Department.

By signing and submitting this form, the employee understands and agrees to the following:

1. Membership in the Leave Bank does not guarantee that requested paid leave from the Bank will be approved.
2. Initial enrollment may take place at the beginning of any pay period.
3. An employee must initially, and thereafter at the beginning of each calendar year, donate at least sixteen (16) hours of annual leave, compensatory time or adjusted hours in order to maintain active membership.
4. Once an employee is enrolled, he/she may donate additional paid leave at the beginning of any pay period. However, leave donation may not exceed 50% of an employee's total paid leave (sick, annual, adjusted hours, compensatory time, personal or banked holiday leave) balance nor reduce the employee's total paid leave balance below 40 hours.
5. Each member may be required on an annual basis to donate additional appropriate leave to the Bank in order to maintain the solvency of the Bank. This provision will not be necessary if contributions are adequate to maintain the Bank's solvency. Failure to meet donation requirements will result in termination of the employee's membership in the Bank.
6. Leave donated to the Leave Bank becomes the property of the Bank and will not be returned to the employee upon termination of membership from the Bank for any reason, termination of employment, or upon dissolution of the Bank.
7. A member who resigns from the Leave Bank, or whose membership is terminated for failure to meet requirements, must wait at least six (6) months before he/she may apply for re-admission, and must meet all requirements for membership, including the donation of sixteen (16) hours of appropriate leave and having a minimum balance of forty (40) hours of total paid leave.

F. Requests for Donated Leave

Members of the Leave Bank may request donated leave when all paid leave is exhausted or is scheduled to be exhausted and additional time off is needed due to their own non-job related injury, unexpected temporary disability or serious health condition, or the unexpected illness or serious health condition of a dependent family member. Such absence(s) shall be the result of an unforeseen medical emergency of a serious and unplanned nature that, in the opinion of a licensed physician, is expected to last at least 10 consecutive working days after all accrued paid leave is exhausted. A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider that causes the employee to be absent from work for more than a few days.

G. Guidelines for receiving donated leave.

1. Only current leave bank members are eligible to receive donated leave.
2. All paid leave must be exhausted before a member can receive donated leave.
3. A maximum of 240 hours of donated leave may be granted per request.
4. A member granted donated leave shall not be credited with donated leave in excess of the period of approved absence.
5. Absences due to procedures or treatments not medically necessary such as face-lifts, due to routine medical problems such as ongoing treatment for a chronic illness, predictable medical events such as the normal recovery period following childbirth, or absences that are a bridge to retirement are not eligible for donated leave.
6. Members must provide reasonable, written assurance that they intend to return to work.
7. On-going paid leave is funded through the assigned department of the member receiving donated leave.

H. To request leave from the Leave Bank

1. An application must be completed and submitted to the member's immediate department director or designee, who will add his or her recommendation. The completed and endorsed form shall be submitted to the Human Resources Department.
2. The application may be submitted in anticipation of exhaustion of all paid leave, but no member will actually receive donated leave until all paid leave is exhausted.
3. The application must include medical certification from an attending physician that identifies the medical problem and the estimated time period of incapacity, including any restrictions. No application will be considered unless medical information is included.
4. The application must include a recommendation for approval from the Department Director.

Directors are encouraged to seriously consider the following decision-making guidelines:

- Prior leave record
- Work performance
- Length of service
- Length of membership in Leave Donation Program

- The need to hire temporary employees to maintain operations
- Nature of the illness, injury or situation

I. Approval Authority

Decisions to grant leave under this policy will be made by the Leave Bank Board, based on the recommendations of Department Directors. The Board will be chaired by the Director of Human Resources, or designee, and will include up to five members appointed by the City Manager. The Board's decision is final and is not a grievable action.

XII. Absences Without Pay

A. Leave Without Pay

1. Leave without pay (LWOP) may be granted to an employee when he or she has exhausted all appropriate paid leave to cover an approved absence. The granting of LWOP shall be at the department director's discretion, except in the case of Family Medical Leave and Military Leave as described elsewhere in this policy. In the event that an employee is in a LWOP status at the time of leave accrual (15th of the month), paid annual and sick, leave will not be earned. An employee in a LWOP for 30 days or more is not eligible to use funeral, personal, holiday leave or any other form of paid leave during the LWOP.
2. An employee on LWOP must pay applicable health, dental and optional life premiums if he or she chooses to maintain coverage. Typically, employees on LWOP must make other arrangements to pay both the City's contribution and premiums for dependent coverage that would normally be paid through payroll deduction.
3. VRS retirement contributions will not be made for an employee on LWOP for 30 days or more. The individual may purchase the lost service with VRS if military commitments, educational leave or personal illness necessitated the leave without pay.
4. The City currently pays group life insurance premiums for an employee on LWOP for military commitments, educational leave or an illness for a period of two months. After two months the employee may continue the coverage by paying the appropriate premiums. Life insurance coverage may be continued for no more than 24 months.

B. Unauthorized Absence

1. Any absence from the job during a scheduled work period when the employee has not received prior approval for the absence from his/her supervisor or department director will be considered an unauthorized absence. Employees

will not be paid for unauthorized absences. In addition, the employee is subject to disciplinary action up to and including dismissal.

- 2.** An employee in an unauthorized absence status who fails to contact his or her supervisor for three consecutive workdays shall be deemed to have abandoned his or her position and to have voluntarily resigned.
- 3.** When emergency conditions exist during a period other than the normal work period (for example, before or after the normal work shift) and the emergency has been communicated to employees, any employee who leaves the work site or fails to return to the work site without the approval of his or her supervisor or department director shall be in an unauthorized absence status.

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Performance Management

I. Performance Management

Performance management is a participatory process in which employees and supervisors work together to ensure that work expectations are identified, communicated and measured. Employee performance management through feedback and evaluation is a vital part of personnel management. It is used to enhance performance through appraisal, discussion and coaching which may be formal or informal. Performance feedback is most effective when completed on an ongoing basis to reinforce good performance or to improve performance when needed. Formal, written performance feedback and appraisal shall be completed annually either using the City's general performance management tools or by using an approved alternative tool as described below. While performance management is a participatory process, supervisors are responsible for ensuring timely completion. This policy and the performance evaluation tools are the basis for consistent, equitable application of performance management by all departments, divisions and work units within the City. The policy provides guidance to employees and supervisors about the purpose and process of performance evaluation. Implementation of the performance management policy will help employees develop their skills and value to the organization by identifying what the organization expects, by communicating it and by holding employees accountable.

A. Objectives of Performance Management

The primary objectives of the performance management program are:

1. To provide the assessment and development needed to achieve service delivery objectives to help employees develop in their current jobs and help prepare them for higher level positions.
2. To provide a means of identifying what the organization expects of employees, of communicating it to them and of holding them accountable for meeting expectations.
3. To ensure that employees are fully aware of performance standards which apply to the job to let employees know that they can improve their performance and increase their contribution through feedback, coaching, training and developmental activities.
4. To recognize overall work performance by employees.

B. Assessing Performance

Successful performance management relies on an effective partnership between employees and supervisors as well as a clear understanding of the expectations of each job.

Effective performance management will also:

1. Be job oriented, providing an evaluation of performance against specific standards, goals and objectives that are related to realistic workplace practices.
2. Promote employees' job satisfaction and morale by letting them know that supervisors are interested in their progress and development as well as providing regular feedback.
3. Make sense to employees—so that employees can clearly understand the areas in which they need improvement, are doing a good or are doing an outstanding job.
4. Be consistent across the organization.
5. Provide a reasonable judgment of sustained performance.
6. Include goals that are specific, measurable, achievable, realistic and timely (SMART).

C. Completing the Performance Review

The formal review of performance is based on evaluating employee behavior against the basic competencies needed to deliver public services as well as the specific tasks and expectations of the employee's job. The following procedures will be used to complete a formal, annual review of employee performance:

D. Administration of the Performance Review

1. Formal, written review and a face-to-face performance discussion shall be completed at least annually, but periodic discussion and feedback is encouraged.
2. Supervisors and employees must become familiar with the evaluation tool including core competencies.
3. Supervisors are responsible for ensuring timely completion of performance reviews.
4. The employee's immediate supervisor shall complete the appraisal and, at the discretion of the department director, coordinate with a second level supervisor or other manager prior to meeting with the employee.
5. The attached form(s) shall be used for annual appraisal, unless an alternative tool has been reviewed by Human Resources and approved by the City Manager in advance.

6. A copy of the completed evaluation or results of an alternate tool shall be forwarded to Human Resources for inclusion in the official personnel file.
7. Specific instructions for using the evaluation tool are included with the tool and shall be followed to complete written evaluations.
8. It is recommended that the employee be asked to complete a self-evaluation and share the result with his/her supervisor in advance. While, the supervisor is responsible for rating decisions, the employee's perspective as well as that of the supervisor shall be discussed during the face-to-face meeting.
9. Each competency or aspect of the evaluation shall be reviewed separately

E. Actions Required When Overall Performance is Less Than Acceptable

When an employee's performance deteriorates to a level that could lead to serious consequences such as reassignment, demotion or dismissal, he/she must be given a reasonable opportunity to bring his/her performance to an acceptable level. Action shall be taken at any time during the rating period if the supervisor determines an employee's performance to be below an acceptable level.

In these situations the employee must be notified of the following:

1. The specific job requirements or performance expectations the employee is failing to perform satisfactorily.
2. What the employee must do to bring the performance to a satisfactory level.
3. What management will do to help the employee improve such as providing additional training, regular feedback or written guidance.
4. The frequency at which the employee can expect to receive interim feedback.
5. A date by which the employee must raise his/her performance to a satisfactory level.
6. The consequences of failing to improve overall performance to a satisfactory level such as reassignment, demotion or dismissal.

F. Deferral of Performance Review

A formal, written performance review may be deferred in cases where an employee has been absent from work for an extended period of time and the supervisor has not had sufficient opportunity to observe performance. Such deferral shall not exceed the total time of the employee's absence from regularly assigned duties and shall be documented in a memorandum to the Director of Human Resources with a copy provided to the employee.

G. Alternate Performance Management Tools

Department Directors, working in conjunction with the Director of Human Resources, may propose alternative performance management tools for all or some employees in their departments when there is a compelling, justifiable business need to do so and such alternative tools meet the objectives of the City-wide system. Such tools must be reviewed and approved by the City Manager prior to development and/or implementation and must ensure that the alternate coordinates with other elements of the human resources program such as job descriptions, pay systems and reward programs. A copy of approved alternative tools shall be maintained in the Human Resources Department and shall be reviewed periodically by the appropriate Department Director.

Chapter Six Appendix

City of Lynchburg Performance Review

Instructions

Introduction

Performance management is a process of identifying, evaluating and further developing the performance of employees, so that City Council's goals and objectives are achieved. At the same time, effective performance feedback promotes employees' job satisfaction and morale by letting them know that management is interested in their progress and development as well as providing regular feedback. The attached evaluation instrument is the primary tool used citywide to document performance feedback.

Overall Purpose

Effective performance management provides a means of identifying what the organization expects of employees, of communicating the expectations to employees and of holding employees accountable for meeting the expectations. The purpose of the performance review process is to complete and share with employees an objective assessment that provides a reasonable judgment of sustained performance.

Phases

There are four phases of performance management; Planning, Coaching, Reviewing and Rewarding. The phases create a cycle that runs year round. This instrument provides the means to implement the first and third phases—Planning and Reviewing—while providing the basis for Coaching and Rewarding.

- **Planning** - Jointly identifying performance and developmental goals and gaining the employees' commitment to achieving those expectations.
- **Coaching** - A continuous cycle of observation, feedback and reflection that is required to ensure the employee is on track to achieve performance expectations.
- **Reviewing** - Jointly assessing actual performance against expectations to identify strengths to build on and challenges to address in the upcoming year.
- **Rewarding** - Ensuring that employees receive monetary and non-monetary rewards commensurate with level of performance as resources are available.

Procedures

The formal performance review is completed by comparing actual employee performance to a set of competencies that include the basic, observable behaviors representing the knowledge, skills and abilities needed to deliver public services. The evaluation of the basic competencies is coupled with a review of the results achieved in the specific responsibilities of the assigned job. Developmental activities provide the basis for ongoing employee learning and development.

The following procedures will be used to complete a formal review of employee performance:

Administration

- Formal review and a face-to-face performance discussion shall be completed at least annually, but periodic discussion and feedback is encouraged and an informal mid-year review is preferable.
- It is strongly recommended that employees complete a self-evaluation and share the result with the supervisor before the supervisor completes the evaluation.
- Supervisors and employees must become familiar with the appropriate evaluation tool, including the core competencies.
- Supervisors are encouraged to use the “SMART” method in defining goals, expectations and objectives—Specific, Measurable, Achievable, Realistic and Time-based.
- Supervisors shall ensure that the review process is completed in a timely manner.
- The employee’s immediate supervisor shall complete the appraisal and, at the discretion of the department director, coordinate with a second level supervisor or other manager prior to meeting with the employee.
- The attached instrument shall be used for documenting annual reviews, unless an alternative tool has been approved by the City Manager in advance.
- A copy of the summary page shall be forwarded to Human Resources for inclusion in the official personnel file.

Instructions for Completing the Evaluation Instrument

1. Complete the top section of the form with the individual's name, department and division, his or her job title, the current date, the dates of the rating period and whether the evaluation is an interim evaluation, such as a mid-year, or annual evaluation.
2. All employees shall be rated on the first four competencies. In addition, supervisors, managers and others considered leaders in the department or division will be rated on competencies five - ten. If the employee’s job does not include responsibility in one or more of competencies five - 10, the supervisor shall mark the “NA” box.
3. One rating, reflecting the level of demonstrated performance, shall be marked for each competency and job specific responsibility according to the following definitions:
 - **Unacceptable Performance** - Performance consistently does not meet standards and expectations.
 - **Marginal Performance** - Performance is inconsistent and may be satisfactory sometimes and unacceptable at others. The individual often needs close supervision, guidance and direction. This level typically describes an individual who needs to show improvement and requires further development.
 - **Acceptable Performance** - Meets or occasionally exceeds the expected standards, usually able to perform without close supervision. Consistently satisfactory performance. Achievement is at a level normally expected for an individual in the job.

- **Commendable Performance** - Performance is clearly above normal expectations for the position. Individuals with solid experience and well-developed skills usually achieve this level.
 - **Exceptional Performance** - Performance consistently exceeds standards and requirements. Achievements are well beyond those normally expected of someone in the job. This is a level reserved for the few individuals whose performance has been consistently excellent.
4. Each core competency and job specific responsibility must be evaluated separately, using the rating definitions, competency definitions and examples included in these instructions, as guidance.
 5. Identify and state the primary responsibilities and/or tasks expected of the employee in his or her day-to-day work assignments as reflected in the job description or performance plan and document them on Part II "Job Specific Responsibilities and Results."
 - Review the job description prior to completing Part II to make sure that the performance expectations align with the essential duties and responsibilities of the position.
 - Evaluate each responsibility individually using the rating definitions, above.
 - Part II may be tailored to individual work settings by using a performance contract, performance matrix or other tools instead of the format included.
 - Compile an average of all ratings for Job Specific Responsibilities and Results and enter the average at the bottom of Part II.
 6. Part III, "Developmental Activities" is optional and, when used, shall identify an individual developmental action plan for the upcoming year that improves job related knowledge, skills and/or abilities but are not a part of the current performance expectations.

NOTE: that this section differs from the progression or developmental goals that may be required as part of the job specific responsibilities such as a job requirement to learn a specific computer application.
 7. The "Comments" section shall be used to document specific examples that support the rating. Comments are required for ratings of "unacceptable, marginal or exceptional performance."
 8. The "Summary" page shall be completed by transferring the evaluations from each competency and the average of Part II and be signed by the appropriate persons. The Summary page shall be submitted to the Human Resources Department for inclusion in the employee's official personnel file.
 - Mark the "Mid-Year Review" column with the appropriate rating if a written mid-year review is completed.
 - The "Overall Performance Level" reflects a combination of performance level in the core competencies and the average performance in Job Specific Responsibilities and Results and shall be included on the Summary page using the following guidelines on the next page:

- **Overall Unacceptable** = More than half of the competencies rated unacceptable AND/OR an average rating of Unacceptable on Part II.
- **Overall Marginal Performance** = More than half of the competencies rated Marginal or higher AND/OR an average rating of Marginal on Part II.
- **Overall Acceptable Performance** = More than half of the competencies rated Acceptable or higher AND an average rating of Acceptable on Part II.
- **Overall Commendable Performance** = More than half of the competencies rated Commendable or higher, no competencies rated Marginal or lower AND an average rating of Commendable on Part II.
- **Overall Exceptional Performance** = Over half the competencies rated Exceptional, no competencies rated lower than Acceptable and an average rating of Exceptional on Part II.

9. The employee shall review the completed evaluation, initial each page and sign the summary sheet to indicate that the evaluation was shared with him or her. Initials and/or a signature do not indicated agreement with the ratings. The employee may add comments to the summary sheet at his or her discretion.

To complete the instrument on Lotus Notes please follow these additional instructions:

- When opening the database, the first view is the Welcome Screen
- Instructions
 - Review instructions on line by choosing Notes version
 - Print the instructions by choosing PDF version
- Select the Create button to start new evaluation
- Saved evaluations will appear in the list: double click on a name to open the evaluation
- Security is set so that the creator (first line supervisor) of the evaluation is the only person who can view the evaluation.
- The creator can add names to allow others to view the evaluation
- Departments will decide who will be given security access (i.e., employee, second line supervisor, division director, department director, City Manager Office)
- Press enter anywhere in Employee Name field to access the employee listing
- Select the employee's name and the employee number will appear in the field
- Press F9 (refresh) and title and department automatically fills in
- Rating period defaults to FY03 but you can enter an alternate date range
- Date defaults to the current date but a calendar is available and you can enter an alternate date

- Evaluation Type defaults to “Annual” but you can choose “interim” if appropriate
- “Next” takes you through the form, “Prev” takes you back one screen
- Save the evaluation to gain access to more functions:
 - *Jump To* button lists the various parts of the process
 - *Review*
 - Options to go to each part of the instrument
 - Review the compiled rating and comments for the chosen part
- Print the compiled ratings and comments
- The *Summary* form fills in as you complete the various ratings
 - You must calculate the “Overall Rating” (logic will be added for automatic completion at a later date)
 - Add your overall comments
 - If you’ve given the employee security access, he or she can add comments, otherwise print the summary and allow the employee to add comments
 - Print out the summary for signature and send to HR

Core Competencies - Definitions and Examples

1. **Customer/Citizen Service:** Treatment of people who receive the employee's product/service; management of difficult or emotional customer/citizen situations; response to customer/citizen needs and requests; solicitation of customer feedback to improve service; meeting commitments to customers/citizens; building constructive, cooperative and pleasant relationships. Commitment to serve the public; focus on finding and meeting the needs of others.

Examples of Behaviors That Indicate Acceptable Performance

- Consistently aims to ensure that customer/citizen and organizational needs are met.
- Communicates and interacts effectively and positively with all customers/citizens.
- Makes themselves available and accessible to internal and external customer/citizen requests.
- Builds and maintains a good and professional relationship with those people who they interact with.
- Follows through, resolves and seeks feedback regarding questions, requests and/or complaints in a timely and effective manner.

2. **Adaptability/Flexibility:** Adjustment to changing priorities, proactive thinking, pursuit of opportunities and appropriate action; accommodation of new or changing conditions; adaptation to changes in the work environment; management of competing demands; utilization of an approach or method to best fit the situation; dealing with anger, frustration and disappointment; dealing with frequent changes, delay or unexpected events.

Examples of Behaviors That Indicate Acceptable Performance

- Uses job knowledge to extend the knowledge/ skills of others.

- Seeks solutions to problems without prompting.
- Adapts individual approach to meet objectives.
- Completes new projects outside the job description.
- Demonstrates a willingness to learn new skills and/or use new equipment.
- Modifies their position and/or changes strategies to maximize success.

3. Work Habits: Individual behaviors which impact work and over which an employee has independent control; consistency with the vision and values of the City, department and work unit including acting in ways that are equitable, ethical and legal; treating all people with respect; keeping commitments; inspiring the trust of others; working with honesty and integrity; safety habits, appearance and personal hygiene is appropriate to the job duties performed; use of paid time off; time management; confidentiality as appropriate; maintaining acceptable productivity.

Examples of Behaviors That Indicate Acceptable Performance

- Maintains personal dress, grooming and hygiene appropriate to the job duties performed.
- Uses available leave balances appropriately taking into account workload and co-workers' needs.
- Uses time wisely with regard to assigned work hours and breaks.
- Maintains confidentiality as appropriate.
- Maintains acceptable productivity: minimizes personal activity, using work time for personal use only in unusual situations.
- Follows safety rules and precautions and has minimal safety related accidents or issues.
- Demonstrates a high regard for truth and accuracy.
- Does not promote or participate in activities that may be construed as a conflict of interest.
- Considers the organization's mission/vision/values in making decisions and taking action.
- Takes appropriate action in ethical issues.
- Completes assignments with acceptable quality.
- Takes responsibility for personal actions.

4. Communication: The exchange of information and ideas; ability to get a message across effectively as well as understand verbal messages; ability to read and interpret written information; listening without interrupting; ability to write clearly and appropriately; manner in which one verbally interacts with others; shares work related information with others as appropriate.

Examples of Behaviors That Indicate Acceptable Performance

- Ensures understanding of the message before acting on it, seeks understanding when needed.
- Keeps other team/staff members informed and involved and looks for opportunities to assist them.
- Takes into account how different audiences are likely to react and chooses the best method of communicating the message to each audience.
- Shows adequate listening skills by being attentive, open to others' ideas, providing a fair hearing and acting on information received.
- Speaks in a way that clearly passes the information on, talks with rather than at others, and is clear and precise about what is required.
- Completes accurate, relevant written work, that meets deadlines and achieves desired results.

- 5. Organizing/Planning/Project Management:** Forward focus, resulting in scheduling work, setting goals, anticipating and preparing for future assignments and establishing priorities; demonstrating initiative and follow-through, coordinating all resources to ensure work is completed on time; maintains appropriate records as needed.

Examples of Behaviors That Indicate Acceptable Performance

- Identifies and coordinates the right equipment and resources to complete jobs. Understands the effect of individual actions on others.
- Plans pace of work to meet regular work schedules and deadlines.
- Produces an acceptable volume or amount of work.
- Determines priorities, schedules, activities and initiates appropriate course of action.
- Plans ahead, identifies possible problems, plans appropriate action and communicates decisions.
- Demonstrates appropriate ownership of tasks, projects and plans, follows-up with few reminders.
- Keeps good records and documentation. Complies with administrative systems.

- 6. Decision-Making/Judgment:** Choice of an appropriate course of action; willingness to make decisions in a timely manner; exercising sound and accurate judgment; support and explanation of reasons for decisions; including appropriate stakeholders in decision-making.

Examples of Behaviors That Indicate Acceptable Performance

- Gathers information to ensure all factors are considered.
- Makes sound, acceptable decisions based on knowledge and common sense.
- Solicits input and feedback from appropriate stakeholders before implementing decisions.

- Uses a variety of analytical methods and tools to evaluate information gathered.
- Selects appropriate choice after careful review of applicable information.
- Takes initiative and is self-motivated.

7. Supervision/Management/Coaching: Improving the performance of others and creating a positive work environment; helps others build self-confidence and motivation; evaluating performance and providing opportunities for growth of employees' knowledge and skill levels; ability to achieve organizational goals through others by directing, guiding, encouraging and giving staff room to act; recognizing contributions and success.

Examples of Behaviors That Indicate Acceptable Performance

- Defines and communicates standards of performance and expectations to those under his or her supervision.
- Helps solve conflicts and corrects inappropriate performance promptly.
- Gives praise and credit where due and is positive and enthusiastic.
- Consistently and equitably applies standards and expectations to all employees.
- Generally "practices what he or she preaches."
- Provides challenging assignments and opportunities for development.
- Understands how individual motivations differ.
- Establishes and achieves group objectives through others.
- Provides constructive feedback to employees.
- Is available and supportive of group/staff members' efforts by providing resources, input and feedback.

8. Continuous Improvement/Innovation: Orientation toward new or unexplored work methods, materials or equipment; looks for ways to improve and promote quality service; displays original thinking and creativity; meets challenges with resourcefulness; generates suggestions for improving work; develops innovative approaches and ideas; presents ideas and information in a manner that gets others' attention.

Examples of Behaviors That Indicate Acceptable Performance

- Accepts new projects outside the job description, demonstrates a willingness to learn new skills, new ways of doing thing and use of new equipment.
- Develops approaches to work and other suggestions that improve workflow and optimizes results.
- Looks for and implements better ways to use City resources.
- Keeps up-to-date with current industry standards.
- Recognizes and applies progressive industry trends.
- Evaluates possible risks and engages in judicious risk-taking.

- 9. Strategic Thinking:** Balance of short and long term goals with available financial assets; identification and evaluation of options and alternatives as a part of the planning process; change in plans and/or goals as conditions and situations require.

Examples of Behaviors That Indicate Acceptable Performance

- Sets and meets reasonable goals.
- Supports information gathering activities.
- Actively seeks to align departmental goals with organizational plans.
- Develops and balances short and long range plans.

- 10. Fiscal/Resource Management:** The effective use of and level of control of City resources. Development, implementation and effective monitoring a budget that is driven by the vision, principles and policies of the City Council and the overall mission of the City; accurate forecast of resource needs for operations, capital improvement and programs, taking into account the overall organizational revenue and expenditure situation.

Examples of Behaviors That Indicate Acceptable Performance

- Tracks expenditures, forecasts projections and maintains an on-target budget.
- Controls operating costs by effectively allocating staff and fiscal resources.
- Recognizes organizational constraints and develops realistic budget and projections.
- Involves staff in budget matters such that staff member can make informed decisions about operations and activities and the use of City resources.

City of Lynchburg Performance Management Program

Employee Evaluation Summary Form

Competency	Unacceptable Performance	Marginal Performance	Acceptable Performance	Commendable Performance	Exceptional Performance	Mid-Year Review
Customer/Citizen Service						
Adaptability/Flexibility						
Work Habits						
Communication						
Project Management						
Decision Making/Judgment						
Supervision/Management						
Continuous Improvement						
Strategic Thinking						
Fiscal/Resource Management						
Average of Part II (Job Specific Responsibilities)						
Overall Rating						
Developmental Activity Assessment						

Overall Statement of Performance

Employee Comments

Supervisor Signature: _____ Date: _____

Reviewer's Signature: _____ Date: _____

Employee Signature: _____ Date: _____

(Signature does not necessarily signify agreement with ratings)

PART I: Core Competencies

(1-4 apply to all employees and 5-10 typically apply to supervisors and managers)

<p>1. Customer/Citizen Service: Treatment of people who receive the employee's product/service; management of difficult or emotional customer/citizen situations; response to customer/citizen needs and requests; solicitation of customer feedback to improve service; meeting commitments to customers/citizens; building constructive, cooperative and pleasant relationships. Commitment to serve the public; focus on finding and meeting the needs of others.</p> <p>Comments/Examples of Performance: _____</p>	<p><input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance</p>
<p>2. Adaptability/Flexibility: Adjustment to changing priorities, proactive thinking, pursuit of opportunities and appropriate action; accommodation of new or changing conditions; adaptation to changes in the work environment; management of competing demands; utilization of an approach or method to best fit the situation; dealing with anger, frustration and disappointment; dealing with frequent changes, delay or unexpected events.</p> <p>Comments/Examples of Performance: _____</p>	<p><input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance</p>
<p>3. Work Habits: Individual behaviors which impact work and over which an employee has independent control; consistency with the vision and values of the City, department and work unit including acting in ways that are equitable, ethical and legal; treating all people with respect; keeping commitments; inspiring the trust of others; working with honesty and integrity; safety habits, appearance and personal hygiene is appropriate to the job duties performed; use of paid time off; time management; confidentiality as appropriate; use of work hours for personal business.</p> <p>Comments/Examples of Performance: _____</p>	<p><input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance</p>
<p>4. Communication: The exchange of information and ideas; ability to get a message across effectively as well as understand verbal messages; ability to read and interpret written information; listening without interrupting; ability to write clearly and appropriately; manner in which one verbally interacts with others; shares work related information with others as appropriate.</p> <p>Comments/Examples of Performance: _____</p>	<p><input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance</p>
<p>5. Organizing/Planning/Project Management: Forward focus, resulting in scheduling work, setting goals, anticipating and preparing for future assignments and establishing priorities; demonstrating initiative and follow-through, coordinating all resources to ensure work is completed on time; maintains appropriate records as needed.</p> <p>Comments/Examples of Performance: _____</p>	<p><input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance</p>
<p>6. Decision-Making/Judgment: Choice of an appropriate course of action; willingness to make decisions in a timely manner; exercising sound and accurate judgment; support and explanation of reasons for decisions; including appropriate stakeholders in decision-making.</p> <p>Comments/Examples of Performance: _____</p>	<p><input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance</p>

PART I: Core Competencies (Continued 7-10)

<p>7. Supervision/Management/Coaching: Improving the performance of others and creating a positive work environment; helps others build self-confidence and motivation; evaluating performance and providing opportunities for growth of employees' knowledge and skill levels; ability to achieve organizational goals through others by directing, guiding, encouraging and giving staff room to act; recognizing contributions and success.</p> <p>Comments/Examples of Performance: _____</p>	<p> <input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance </p>
<p>8. Continuous Improvement/Innovation: Orientation toward new or unexplored work methods, materials or equipment; looks for ways to improve and promote quality service; displays original thinking and creativity; meets challenges with resourcefulness; generates suggestions for improving work; develops innovative approaches and ideas; presents ideas and information in a manner that gets others' attention.</p> <p>Comments/Examples of Performance: _____</p>	<p> <input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance </p>
<p>9. Strategic Thinking: Balance of short and long term goals with available financial assets; identification and evaluation of options and alternatives as a part of the planning process; change in plans and/or goals as conditions and situations require.</p> <p>Comments/Examples of Performance: _____</p>	<p> <input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance </p>
<p>10. Fiscal/Resource Management: The effective use of and level of control of City resources. Development, implementation and effective monitoring a budget that is driven by the vision, principles and policies of the City Council and the overall mission of the City; accurate forecast of resource needs for operations, capital improvement and programs, taking into account the overall organizational revenue and expenditure situation.</p> <p>Comments/Examples of Performance: _____</p>	<p> <input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance </p>

PART II: Job Specific Responsibilities and Results

Six-eight primary responsibilities, typically from the position description, when coupled with the core competencies, are sufficient to evaluate an employee's overall work performance. A performance contract, performance matrix or other tool may be used in lieu of this format.

<p>1. Responsibility: _____</p> <p>Measure: _____</p> <p>Results: _____</p>	<p> <input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance </p>
<p>2. Responsibility: _____</p> <p>Measure: _____</p> <p>Results: _____</p>	<p> <input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance </p>

PART II: Job Specific Responsibilities and Results (Continued 3-6)

3. Responsibility: _____ _____ <i>Measure:</i> _____ _____ <i>Results:</i> _____ _____	<input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance
4. Responsibility: _____ _____ <i>Measure:</i> _____ _____ <i>Results:</i> _____ _____	<input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance
5. Responsibility: _____ _____ <i>Measure:</i> _____ _____ <i>Results:</i> _____ _____	<input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance
6. Responsibility: _____ _____ <i>Measure:</i> _____ _____ <i>Results:</i> _____ _____	<input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance
AVERAGE PART II RATING:	<input type="radio"/> Unacceptable Performance <input type="radio"/> Marginal Performance <input type="radio"/> Acceptable Performance <input type="radio"/> Commendable Performance <input type="radio"/> Exceptional Performance

PART III: Developmental Activities - Optional

An individualized developmental action plan for the upcoming year designed to support personal development, job related knowledge, skills and/or abilities that increases employee value to the organization, personal progression and marketability.

Activity	Expected Learning	Resources/Assistance Needed	Section 1.01 Results
1.			
2.			
3.			

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Workforce Development

I. Workforce Development

- A.** The City supports on-going employee development with the goal of providing learning opportunities that change behavior, enable employees to meet the organization's current and future needs and improve employee job satisfaction. The Human Resources Department develops and/or presents a variety of training opportunities that enhance employee development.

The following operating principles are used as primary guidance in developing and maintaining training and workforce development programs:

B. The Workforce Development Program for the City of Lynchburg:

1. Establishes and relies on a partnership for responsible, relevant learning between the employee, his or her supervisor, and management.
2. Relies on participatory program development utilizing the skills and competencies of all employees to develop the curricula, workshops, and classes.
3. Closes gaps between employee skill level and the employee's ability to effectively deliver services.
4. Supports attainment of employees' individual goals.
5. Identifies the return on investment for employees and the organization.
6. Integrates learning experiences with day-to-day job responsibilities.
7. Presents a variety of integrated, developmental learning opportunities for all employees.

II. Employee Recognition

- A.** Through meaningful employee recognition programs the City acknowledges individual and team behaviors that support the organization's vision, mission and values. Formal and informal employee recognition is one of the most effective ways to reinforce the City's customer service value, support its service delivery objectives and retain top performers.
- B.** A variety of employee recognition programs such as outstanding customer service awards, awards for generating tangible cost savings, length of service award or

similar awards program shall be developed, implemented and maintained by City management.

III. Tuition Assistance Program

A. The City of Lynchburg offers the Tuition Assistance Program (TAP) to eligible employees for coursework toward a college degree, professional certification, or developmental training, to support the City's goal of attracting and retaining a qualified workforce. TAP encourages and enables employees to increase their knowledge and skill as it relates to their work. The City encourages learning and development for employees in order to maintain a workforce that is capable of meeting the changing needs of each department to accomplish its goals.

B. Employee Eligibility

1. Full-time classified employees who have completed one year of continuous satisfactory service with the City may apply for tuition assistance. Part-time classified employees who have completed either two years of continuous service or have worked the equivalent hours of a full-time position (2080 hours) whichever occurs first, may also request tuition assistance.
2. Any employee that receives less than a "C" in associate or undergraduate courses, "B" in graduate courses, or "Pass" in certifications or developmental training will be ineligible for tuition assistance for a period of one semester, unless:
 - a. The Human Resources Department determines that the grade resulted from circumstances beyond the employee's control; or
 - b. The employee received no reimbursement or has reimbursed the City the amount that the City spent on the course.
3. Members of the Tuition Assistance Program Committee are ineligible for tuition assistance in a degree program.

C. Course Eligibility

1. Coursework toward a college degree from an accredited college or university, professional certification, or developmental training, including nontraditional programs such as accelerated courses and accredited correspondence and on-line courses that have a minimum of five (5) course sessions, are eligible for tuition assistance.
2. Courses must be taken on the employee's own time unless prior supervisory approval is obtained.
3. Payments for graduate courses may be subject to federal tax withholding in accordance with THE SMALL BUSINESS JOB PROTECTION BILL OF 1996.

4. Coursework offered through a Continuing Education Program such as a K-12 Public School System or Community Center does not qualify for tuition assistance.

D. Application Procedures

1. To apply, an application and tuition assistance agreement must be completed by the employee and submitted to his/her supervisor and department director (or designee) for their recommendation. The application and agreement must then be submitted to the Human Resources Department for review.
2. Applications for degree programs are accepted once a year during the spring for all courses planned for the upcoming fiscal year. Applications must be submitted prior to the start of any class, must include a degree plan which outlines the employee's program curriculum, and costs for the entire fiscal year. Specific course names may be provided after semester registration.
3. Applications for professional certifications or developmental training are accepted throughout the fiscal year and must be submitted prior to the start of the course.
4. Tuition Assistance application forms are available on the City's Intranet under "On-line Forms" or from the Human Resources Department.

E. Decision Guidelines

1. Degree Program

The Human Resources Director or designee appoints and works with a three (3) person Tuition Assistance Program Committee. This committee shall review and approve degree program applications. Guidelines for decisions include, but are not limited to: value of the program to the organization, funding availability, program completion status; length of continuous service; performance level; attendance record; date application was received; number of applications received. In the event that the Committee is unable to reach a decision or other unusual circumstances, the Director of Human Resources shall make final decisions regarding approval.

2. Certification or Developmental Training Program

Applications for professional certifications or developmental training will be reviewed and approved by the Human Resources Department. Guidelines for decisions include, but are not limited to: value of the program to the organization, funding availability, course relevance to job; benefit toward departmental mission; length of continuous service; date application was received. These applications will be accepted throughout the fiscal year and will be considered on a first-come, first-served basis.

3. If the application is approved, the Human Resources Department will notify the employee by letter and provide the forms required for payment or reimbursement.
4. Tuition assistance decisions are not grievable.

F. Funding

1. Funds for the tuition assistance program are determined annually as a part of the budget approval process. Seventy percent (70%) of the appropriated resources will be allocated to degree programs and thirty percent (30%) will be allocated to professional certifications or developmental training.
2. When approved, tuition assistance will pay or reimburse up to seventy-five percent (75%) of the cost of tuition, registration and required laboratory fees provided the payment or reimbursement is at least \$50. The payment or reimbursement will not exceed \$400 per course. Other fees and costs such as books and study materials are not covered.
3. No more than four (4) courses may be approved during one fiscal year.
4. Employees, who are eligible for tuition assistance from other sources, such as Veteran benefits, grants, scholarships, etc., must exhaust those sources before applying for tuition assistance through the City program.

G. Methods of Payment

The City of Lynchburg provides two payment methods for the Tuition Assistance Program:

1. Tuition Direct Payment provides prepayment of approved course costs directly to the educational institution.
2. Tuition Reimbursement provides reimbursement of approved course costs directly to the employee after he/she provides a receipt for payment and evidence of a satisfactory grade for the course as defined above.

H. Employee Obligation

1. When the employee requests and receives approval for tuition assistance, he/she agrees to:
 - a. Complete the course(s) approved.
 - b. Provide the City with proof of a satisfactory grade for each course approved.
 - c. When approved for tuition reimbursement, provide original receipts for approved costs.
 - d. Continue to work for the City for one year after completing the course(s).

- e.** Authorize the City to recover through payroll deduction, or some other means, all or part of the tuition assistance monies expended if any of the following conditions exist:
 - i.** The employee does not provide the City, within 30 working days after completing the course, evidence that he/she received a grade of a “C” or above in associate or undergraduate courses, “B” or above in graduate courses or “Pass” in certifications or developmental training programs;
 - ii.** The employee resigns, retires or is dismissed for cause, before fulfilling the obligations of the Tuition Assistance Agreement;
 - iii.** The employee drops an approved course for which payment has been made, regardless of reason, without prior approval from the Human Resources Department; or
 - iv.** The employee receives duplicate payment for the same course from any other source (scholarship, Pell grant, Veteran’s educational payments, etc.).

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Employee Responsibilities

Effective service to the citizens relies on employees and management working together and individual responsibility is critical to maintaining an effective partnership. The following information outlines the guidelines for employee behavior and the procedures for addressing problems that might arise. These guidelines support the City's core value of personal responsibility, i.e., taking ownership and accepting the consequences of individual actions.

I. Code of Conduct for Municipal Service to the City of Lynchburg (adopted by City Council 2/12/02)

- A.** The City of Lynchburg, through City Council resolution, requires that employees follow a code of conduct reflecting the highest ethical standards and promoting public confidence in City government.
- B.** This Code of Conduct is established for all municipal employees, excluding school personnel and members of boards and commissions. This Code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or charter provision and statutory or charter action is mandatory, or when the application of a statutory or charter provision is discretionary but determined to be more appropriate or desirable.
- C.** The effective operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. The purpose of this Code is to establish standards of ethical conduct for employees by setting forth those acts or actions that are incompatible with the best interests of the City.

D. Responsibilities of Public Office

Municipal employees are agents of the citizens and are entrusted to pursue the public good at all times. As such, they are bound to uphold the Constitution of the Commonwealth of Virginia and to carry out impartially the laws of the nation, state and municipality and foster respect for all government. They are bound to observe in their official acts the highest ethical standards and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

E. Dedicated Service

All City of Lynchburg employees are expected to be loyal to the objectives expressed by the electorate through the City Council. Employees shall adhere to the rules of work and performance established as the standard for their positions. Employees shall not exceed their authority, breach the law or ask others to do so, and shall work in full cooperation with other employees unless prohibited from so doing by law or by officially recognized confidentiality concerns.

F. Fair and Equal Treatment

1. No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
2. No employee shall use or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such employee in the conduct of official business.

G. Conflict of Interest

As provided in Title 2.2 of the Code of Virginia (The Virginia Conflict of Interests Act), no employee shall engage in any private financial or other interest which might impact the performance of his/her official duties.

Employees are also bound by the additional guidance outlined below:

1. **Incompatible Employment.** No employee shall engage in or accept other employment or render services for private interests when such employment or service is incompatible with the proper discharge of his/her official duties or would impair his/her independent judgment or action in the performance of his/her official duties. With management's approval, employees may engage in other employment that does not interfere with or present a conflict of interest with City employment.
2. **Disclosure of Confidential Information.** No employee shall, without proper authorization, disclose confidential information concerning the property, government, or affairs of the City, which would advance the financial or other special interest of him/her self or others.
3. **Gifts and Favors.** No employee shall accept any gift or favor, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation, intended to, or which may, influence him/her in the discharge of his/her duties.
4. **Representing Private Interests Before City Agencies or Courts.** No employee shall represent his/her own or any other private interest before any agency of the City, unless he/she is doing so as a member of a civic organization or is speaking on an issue of general public interest.

H. Political Activity

1. City employees may participate in political activities while they are off duty, out of uniform and not on the premises of their employment with the City.
2. For the purpose of this policy, the term “political activities” includes, but is not limited to: “voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge or button; participating in the activities of or contributing financially to, a political party, candidate or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate.” (VA State Code Title 15.2-1512.2)
3. The components of this section are designed to promote public trust and confidence in City government by ensuring that it is free of the actual or apparent influence of partisan politics and that employment and advancement in the City are based on meritorious performance rather than political service or affiliation. In addition, it protects every employee's right to vote and to keep this right free from interference, solicitation or dictation by any fellow employee, supervisor or officer.
4. Every employee is encouraged to vote in every appropriate election. Moreover, except during working hours or when officially representing the City of Lynchburg, any municipal employee is free to express his or her opinion as to candidates or issues and to meet with candidates for office.
5. Employees may be candidates for political office but must resign, or shall be released, from employment with the City upon successful election to political office within the City of Lynchburg or other political office if the responsibilities of that office will interfere with the employee's ability to perform the duties of his/her City position.
6. Under no circumstances shall an employee engage in political activities while performing the official duties of his/her City position, use any City property or equipment to engage in political activity or to appear as a candidate while dressed in City uniforms or clothing that identifies the individual as a City employee. This prohibition shall not apply to an employee registering to vote or voting.
7. No employee shall use the prestige of his/her position on behalf of any political organization or party. For purposes of this Code of Conduct, a “political organi-

zation” shall be defined as “any group, formal or informal, which endorses candidates for elective office at any level of government—national, state or local.”

8. No employee shall use his/her official authority to coerce or attempt to coerce a subordinate employee to pay, lend or contribute anything of value to a political party, candidate or campaign, or to discriminate against any employee or applicant for employment based on political affiliations or political activities.
9. City employees are prohibited from discriminating in the provision of City services or responding to requests for services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.
10. City employees are prohibited from suggesting or implying that the City has officially endorsed a political party, candidate or campaign.

I. Consequences of Violation

Violation of any section of this policy may constitute a cause for disciplinary action up to and including dismissal.

- J. “Frequently Asked Questions” concerning the Code of Conduct is available on the City intranet.

II. Suspected Theft and Fraudulent Transactions

- A. Fraud is an act which is characterized by deceit, concealment, or violation of trust perpetrated to obtain money, property or services, to avoid payment or loss of services or to secure personal or business advantage or other benefit. The Office of Internal Audit is a resource to departments and typically investigates suspicions of significant theft and/or fraudulent transactions when there is no clear evidence of wrongdoing or the person responsible for it.
- B. An employee who has knowledge of an occurrence of work-related fraud, or has reason to suspect that a fraudulent action has occurred at work, shall notify his or her department director or the Office of Internal Audit as soon as possible and shall not discuss the alleged fraud with others. Upon receipt of an allegation, the Office of Internal Audit will notify appropriate authorities, develop an action plan and coordinate all investigative processes.
- C. Confidentiality is critically important in handling fraud allegations and all participants shall keep the details and results of the investigation as well as the identities of involved employees confidential to the extent permitted by law. Information will only be shared on a need to know basis. The alleged fraud and investigation shall not be discussed with the media other than through the Communications and Marketing Office or other designated media contact. If the investigation concludes

that the allegations of fraudulent activity by an employee are founded, the employee is subject to disciplinary action and/or legal action.

- D.** Retaliation against individuals reporting suspected fraud or for cooperating, giving testimony, or participating in any manner in an investigation, proceeding, or hearing is unacceptable and will not be tolerated however such protection shall not condone unfounded or vindictive accusation of others.

III. Secondary Employment

- A.** To minimize the potential for conflict of interest, the City discourages secondary employment. An employee who wishes to engage in secondary employment shall discuss such employment with his or her supervisor and obtain approval before accepting a position outside of City employment. Permission to engage in outside employment is at the discretion of the department director, so long as it does not involve a conflict of interest or otherwise conflict with the City's Code of Conduct.
- B.** In the event that previously approved outside employment interferes with the employee's performance, attendance, timeliness or ability to work overtime or emergency hours, the employee may be required to discontinue it or resign from his or her City position.
- C.** Employees who have another job at the time they begin working for the City must notify their supervisor of such employment on the date of hire.

IV. Working Hours, Punctuality, and Attendance

- A.** Each department determines the assigned shift, tour of duty and hours worked for the employees within the department. Every employee is expected to be on the job during all hours as assigned. Some type of properly authorized leave or holiday or appropriate flex time must cover time away from duty during regularly scheduled work hours. Cumulative, excessive absence, even if absences have been approved individually, may lead to employment action up to and including dismissal. If an employee must be absent, or late, he or she must notify the supervisor in advance of the scheduled working time whenever possible. When requesting leave or reporting an absence, the employee must personally contact the supervisor. Failure to give proper notice of absence or providing a reason for absence unacceptable to the supervisor will result in an unauthorized absence.
- B.** Individual departments may have specific requirements regarding advance notice of an intended absence or tardiness; employees shall check with their supervisor if they have any questions regarding how absence or tardiness is handled within their department. To the extent any provision in this policy would cause an exempt employee under the Fair Labor Standards Act to lose their exempt status, such policy shall not apply.

V. Discipline

- A.** In most circumstances, employees perform as expected and demonstrate conduct that reflects credit upon themselves, their co-workers and the City of Lynchburg. When employees fail to conduct themselves in such a manner, it may become necessary to formally intervene to correct the behavior or end the employment relationship.
- B.** Employees holding full-time, part-time and grant funded classified positions who have completed their initial employment period are governed by this policy. This policy provides guidance for effective problem resolution and as such it may be applied to employees within the initial employment period and those holding Seasonal and Non-Seasonal Wage positions, at the discretion of the department director.
- C.** The overall objective of this policy is to develop and implement solutions to problems as quickly and effectively as possible so that attention is focused on providing quality service to the citizens and creating a positive work environment for all.
- D.** The City expects and anticipates that employees will be personally responsible for their behavior but recognizes that, on occasion, it may be necessary to take action to correct inappropriate behavior. Maintaining effective working relationships requires all employees to be aware of and abide by the Code of Conduct, City Policies and departmental rules and regulations. As far as possible, the City seeks to remedy underlying causes of problems through such means as counseling, mediation and training.
- E.** The City distinguishes between misconduct and unsatisfactory performance (with the exception of acts of gross negligence) by defining unsatisfactory performance as the inability to meet performance expectations due to lack of skills, training, education or other similar circumstances. Unsatisfactory performance is typically addressed through the City's performance management program which identifies the specific actions required when an employee demonstrates overall unsatisfactory performance. Misconduct is generally defined as intentional and/or willful disregard for the City's standards of conduct and/or departmental rules. Employee misconduct is typically addressed through a progressive discipline system.
- F.** It is the City's intent to resolve problems as quickly and effectively as possible. Therefore, prior to implementing disciplinary action informal verbal notices and discussions such as counseling and performance guidance sessions may be used to inform an employee that a problem exists and to discuss expected corrective actions.
- G.** In addition to the traditional disciplinary process outlined below, alternative strategies such as individual corrective action plans, discipline without punishment,

peer mentoring, mediation, conflict resolution, negotiated separation agreements or demotions may be used on a case-by-case basis when the alternate strategy better serves the City's interest and is most likely to solve problems in the least negative and most cost effective way. The Human Resources Department is familiar with a variety of alternative actions and is available to provide advice and guidance.

H. Progressive Discipline

In general, the City follows a progressive discipline approach, establishing a set of guidelines rather than fixed disciplinary requirements. Progressive discipline encourages employees to become more productive and to conform their behavior to City expectations and standards. In most cases, an employee will have the opportunity to correct problems before more serious disciplinary actions are necessary.

The level of disciplinary action is dependent upon the unacceptable behavior and the circumstances surrounding the behavior. Accordingly, it is not necessary that a progression of disciplinary actions, from less stringent to more stringent, be followed. The City reserves the right to administer disciplinary action appropriate to the behavior and will take into account the overall situation before decisions are made.

I. Disciplinary Actions

The following actions describe the traditional disciplinary system established as a means to address employee misconduct. Supervisors and department heads may use these guidelines or may elect to use the alternate strategies as listed above as appropriate. The Human Resources Department shall provide assistance to supervisors, managers and employees in developing approaches to problems which first and foremost serve the City's interest and also meet the overall policy objective.

1. **Warning:** A formal conference between a manager and an employee to discuss an incident of misconduct and the corrective action expected. The manager shall document the warning in writing, provide a copy to the employee and maintain the documentation within the department.
2. **Reprimand:** A letter or other written notice from a manager to an employee identifying uncorrected misconduct. Such letters are used for behavior or violations deemed serious by a supervisor or where a warning has not helped to change the unacceptable behavior. A copy of such reprimand shall be made a part of the employee's official personnel file maintained by the Human Resources Department.
3. **Suspension:** Formal action that places the employee in a non-pay, non-duty status for a specific length of time, expressed in working days. Suspension seriously impacts departmental productivity and the employee's pay and shall only be imposed when a lesser penalty is not appropriate or has not helped to correct the unacceptable behavior and when dismissal is too stringent.

4. **Dismissal:** Separates the employee from employment for cause and is a last resort when serious misconduct remains uncorrected or when initial misconduct is so significant that the employment relationship must end.

J. Resignation While Charges Are Pending to Dismiss

An employee who wishes to resign from his/her position during the dismissal process may request to do so by submitting a letter of resignation to the department director. The department director may accept the resignation or choose not to accept the resignation and proceed with the dismissal. If a resignation is accepted in lieu of dismissal, appropriate documentation to that effect shall be included in the employee's official personnel file. The Department Director may elect to include additional information at his or her discretion.

K. Separations Due to Misconduct During the Initial Employment Period

In the case of dismissals which take place during the employee's initial employment period, progressive discipline is not required. In these cases, the department head shall issue a letter notifying the employee of the separation and giving the reason(s) for the action.

L. Establishing the Penalty

The following information contains guidelines that assist a supervisor and/or department director in setting a penalty. Disciplinary action is at the discretion of the supervisor and/or department director and failure to follow these guidelines does not invalidate the action taken.

An effective process for determining a disciplinary penalty includes the following:

1. Collect the relevant facts.
2. Consider the nature, seriousness and consequences of the problem or infraction.
3. Examine issues such as mitigating circumstances and the possibility of genuine misunderstanding on the employee's part.
4. Consider the employee's past employment record including length of service and performance levels.
5. Discuss the situation with Human Resources.

- M.** Situations which show a need for more serious actions may include behavior that jeopardizes the employee's safety or the safety of others, previous offenses, including the nature and recency, and the impact of misconduct, gross negligence and/or disruptive behavior on both productivity and employee morale. Cumulative unrelated offenses may also indicate a need for more serious corrective action.

N. Supervisors May Consider a Variety of Factors Prior to Initiating Disciplinary Action

1. Has the employee been provided with adequate training, clear performance expectations and clear information as to the standards of conduct, guidelines and departmental rules?
2. Are the standards of employee conduct and rules being applied fairly and consistently? Have other employees demonstrating similar behavior or violating similar rules been treated consistently?
3. Have written records been maintained of previous counseling or reprimands? Has the employee been able to tell his or her side of the situation?

O. Investigative Procedures for Public Safety Personnel

Law Enforcement and Fire/EMS personnel, subject to investigations potentially leading to dismissal, demotion, suspension or transfer and included in the definitions of those terms in the Virginia State Code “Law Enforcement Procedural Guarantee Act” or “Firefighters and Emergency Medical Technicians Procedural Guarantee Act” shall be afforded all rights contained in the applicable Act.

P. Procedures

Authority to initiate disciplinary actions shall normally be delegated to first line supervisors, subject to review and approval by the established chain of command within a department including the department director. Notices proposing suspension or dismissal, as well as notices of final decision regarding such penalties, shall be coordinated with the City Manager's Office and the Human Resources Department prior to issuance, and shall be signed by the appropriate department director. The Human Resources Department will consult with the City Attorney's Office regarding such actions on an as needed basis.

1. Incidents sometime occur which are of such a dangerous or serious nature that immediate corrective action must be taken. Such cases generally involve real or potential hazards to life and/or property or significant disruption of the City's mission. In these cases an employee may be immediately suspended from duty for the purpose of removing the employee from the work area. The supervisor must advise the department head of the situation as soon as possible after the incident takes place. Except in cases of significant safety violations, the employee's absence is charged to administrative leave with pay until such time as an investigation is completed and the employee is notified of any action to be taken by management as a result of the incident, such as a fitness for duty exam, disciplinary action or further investigation. Where inappropriate behavior or actions are believed to be illegal, the department head may notify the appropriate law enforcement agency and the City Attorney.

2. In all cases, misconduct shall be carefully documented and written actions must clearly articulate the situation giving rise to the disciplinary action. At a minimum the written disciplinary actions must state the specific action being taken, such as written reprimand, suspension or dismissal, and contain the following information:
 - a. **What the employee did:** clearly state the specific conduct deemed unacceptable, describing the conduct in complete and explicit terms using plain language. Include dates, names, places, events, witnesses, etc. Establish a proper factual foundation.
 - b. **How the behavior violated an expectation or rule:** include the rule, expectation or standard relating to the behavior. It may be necessary to translate the problem into a recognized expectation especially when the unacceptable conduct is not tied directly to written expectations such as poor professional judgment, job carelessness or disruptive behavior. Include reference to previous instances of unacceptable behavior, if any.
 - c. **What the impact of the employee's behavior was on the unit, division or department:** cite the adverse effect of the employee's conduct on departmental or City operations and other persons especially where negative public notoriety occurs. Include effects such as real or potential damage to City property, real or potential harm to citizens or co-workers or real or potential liabilities.
 - d. **What the employee must do to correct behavior:** provide specific suggestions and/or directives for the employee to correct the behavior. Outline directions on the proper behavior or level of conduct expected to be followed in the future. Be clear and unequivocal and include the effective timeline and the consequence if the employee fails to satisfactorily correct the behavior—what will happen if there is not acceptable improvement. Identify any assistance that the employee may receive such as additional training.
 - e. **What the employee's rights are concerning the action:** the employee has a right to receive a copy of any documents that could lead to an adverse action prior to it being placed in the personnel file(s). The employee may respond in writing to the action and have that response included in the personnel file(s). Include that the written action will be placed in the employee's personnel file(s) and that the employee may grieve the disciplinary action, if eligible, in accordance with the City of Lynchburg Grievance Procedure.
3. **Actions Required for Suspension:** Suspensions shall be expressed in working days and shall place the employee in non-pay, non-duty status. A face to face meeting between the employee and the appropriate manager shall take place

and the employee shall receive written notice of the intent to suspend, including the reasons for the proposed suspension in advance of the proposed suspension. Employees shall be given an opportunity to respond either verbally or in writing to show cause why the action should not be taken. The employee's response to the intended action does not constitute a grievance. The employee may be eligible to grieve should the action take place. The employee shall receive a letter of final determination at least 24 hours prior to the onset of the suspension.

4. **Actions Required for Dismissal:** A face to face meeting between the employee and the appropriate manager shall take place (except in rare instances when a meeting is not possible) and the employee shall receive written notice of the intent to dismiss, including the reasons for the proposed dismissal, in advance of the proposed dismissal. In cases where the department director feels the employee's continued presence on the job during the notice period represents a hazard to himself or herself or others, adversely affects service delivery, morale or the image of the City, the employee may be suspended from duty and placed on administrative leave, typically with pay, pending the proposed dismissal. The employee shall be given the opportunity to respond either verbally or in writing to show cause why the action should not be taken. The employee's response to the intended action does not constitute a grievance. The employee may be eligible to grieve should the action take place. The employee shall receive a letter of final determination at least 24 hours prior to the effective date of dismissal.

Example: A department director completes an investigation and determines the intent to dismiss an employee for major misconduct. About five days prior to the date of dismissal, the director, or designee, meets with the employee and provides the reasons for the intended dismissal. The employee is given a reasonable amount of time, usually 1-3 days, to respond to the reasons and provide information as to why he or she should not be dismissed. The director considers the response and makes a final determination to dismiss or take another action in lieu of dismissal. The director does not have to wait a full five days if the employee's response is completed within a shorter timeframe. The director provides the employee a written determination at least 24 hours prior to the actual dismissal.

5. **Inappropriate Conduct:** Behavior and conduct unacceptable for City employees are listed on the next page. The list is broken into two sections, neither of which is all-inclusive nor in order of severity, but which are intended as guide lines to help supervisors, managers and department directors administer discipline in a fair and consistent manner. The specific circumstances of each case shall be considered prior to determining appropriate action.

- a. Examples of Less Serious Infractions:** The following infractions include but are not limited to examples of those typically addressed through the use of the progressive disciplinary system or an alternative strategy.
- Rudeness, in person or on the telephone, to the public or co-workers.
 - Careless workmanship or negligence of a minor nature.
 - Careless use of City property resulting in possible or actual damage.
 - Failure to observe safety practices including failure to use safety equipment such as eye protection devices or safety shoes.
 - First instances of tardiness or absenteeism.
 - Absence from the work station or department without permission.
 - Horseplay, pranks or non-work related activities during working hours.
 - Inappropriate, obscene or abusive language.
 - Inappropriate use of a City owned or leased vehicle including conviction of a minor moving violation.
 - Delay or failure to carry out assigned work or instructions in a reasonable period of time.
 - Conduct having an adverse effect on the City's interest or on the confidence of the public in City government that does not result in serious consequences.
 - Inappropriate use of the Intranet, Internet or e-mail systems.
- b. Examples of More Serious Infractions:** The following infractions include but are not limited to examples of those typically so significant, disruptive or dangerous that they may require action outside of the progressive disciplinary system such as immediate suspension or dismissal.
- Insubordination or refusal to follow legitimate instructions of a supervisor.
 - Gross negligence.
 - Unauthorized use of City documents, records or confidential information.
 - Willful failure to fulfill the responsibilities of the job to an extent that it might or does cause injury to person or substantial damage to or loss of product, machinery, equipment, facilities, or other property or other harm.
 - Chronic or habitual absenteeism, being away from the workplace, or unexcused tardiness.
 - Major violation or disregard of established safety rules.
 - Dishonesty, deliberate misrepresentation, falsification or concealment of a material fact in connection with any official document.

- Theft, actual or attempted.
- Threatened or actual physical violence or verbal abuse.
- Use, possession, or being under the influence of alcohol or drugs, except medication prescribed by a doctor and taken in accordance with his or her instructions, during working time.
- Disorderly or immoral conduct while on City premises or on City business.
- Sleeping on the job (except in the case of employees assigned to 24-hour shifts).
- Off duty misconduct of such major import that the employee is unable to fulfill job responsibilities or of such significance that there is an adverse effect upon the City operations.
- Violation of the “Code of Conduct.” (*Refer to the Code in Section I of this chapter for details*).
- Sexual, racial, or any other form of harassment.
- Criminal or illegal activity that adversely affects the safe and effective operation of City business.
- Use of City property for personal benefit.
- Violation of other major City policies.

VI. Drug and Alcohol Testing

The goal of the City of Lynchburg is to establish and maintain a safe and healthy workplace for an employee that is free from drug and alcohol abuse, and to protect the safety of its citizens by providing services in a safe manner. This policy establishes guidelines and procedures for drug and alcohol screening of applicants and employees, as well as disciplinary actions and rehabilitative measures that may be required. Individual department directors may, with the advance approval of the Human Resources Director, establish additional procedures to further support and maintain a drug and alcohol free workplace.

A. Applicants

The City of Lynchburg requires drug/alcohol screening as part of the required medical examination for all applicants that are offered employment with the City, including employees seeking transfer or promotion, into the following positions:

- Sworn Police positions
- Sworn Firefighter positions
- Public Works Associates
- Refuse Associates

- Youth care workers
- Positions requiring a Commercial Driver's License
- Candidates for other safety sensitive positions that are of a nature such that the potential risk justifies screening.

The successful applicant being offered a covered position will provide a specimen for screening by urinalysis for drugs and other appropriate tests for alcohol. Drug/alcohol screening will be performed under standard medical procedures as determined by the City in consultation with its medical advisors. A positive test for drugs or alcohol shall be grounds for disqualification from employment consideration. Normally, an applicant who tests positive for drugs and/or alcohol shall be disqualified for employment consideration for one year following the positive test.

B. Employees

1. The drug/alcohol screening tests conducted by the City will include for-cause testing, testing of persons applying for or seeking promotion to covered positions within the City, testing as a part of some employees' annual or periodic physical exams and, in some instances, random testing. Selected testing (i.e., annual or periodic testing as part of a physical, random testing, etc. as contrasted with for-cause testing) shall include a consideration of the nature of the jobs and the work-related needs of the department.
2. Employees are expected to report to work on time and in appropriate mental and physical condition for work. In order to accomplish the City's goals and maintain employee productivity, an employee must:
 - Not have a detectable presence of illegal drugs in his or her system, have an alcohol concentration of 0.02 or greater, be under the influence of, nor have his or her ability to perform job duties impaired by alcohol or any other drugs whether legal or illegal, while on duty or on call, while on City property or while off City property in an official capacity, or at any time while operating a City vehicle. Any employee, who as a result of testing is found to have a detectable presence of illegal drugs or an alcohol concentration of 0.02 or greater in his or her system, regardless of when, where or how the substance entered the employee's system, will be in violation of this policy.
 - Not use alcohol while on duty or report to work with the odor of alcohol on his/her breath or person.
 - Not consume, use, possess, sell, buy, distribute, or offer to sell, to buy, or to distribute, or to manufacture any illegal drugs or alcohol or any substance that purports to be an illegal substance, any time during the scheduled work day, while on City property, or while off City property in an official capacity or at any time while operating a City vehicle.

- Submit to a drug or alcohol screening test when requested to do so by the supervisor, pursuant to the provisions of the City's Drug/Alcohol Testing Guidelines and Department of Transportation regulations.
- Provide within twenty-four hours of request a current valid prescription for any controlled substance or drug found to be in the employee's possession or identified in a positive drug screening analysis.

NOTE: Failure to provide the prescription shall give rise to a presumption that the employee did not legally possess or use the controlled substance or drug.

3. A current employee who seeks transfer or promotion into a listed position and who tests positive for drugs or alcohol shall not be eligible for such transfer or promotion and shall be subject to follow-up action in accordance with paragraph M.4.D "Disciplinary Actions and Rehabilitation." An employee who tests positive may request additional screening pursuant to paragraph M.3 below.

C. Reasonable Cause Testing

1. The City of Lynchburg may require a current employee to undergo a drug or alcohol screen if there is reasonable cause to believe that the employee is under the influence of drugs or alcohol during work hours.

Circumstances which constitute a basis for reasonable cause may include, but are not limited to:

- A pattern of abnormal or erratic behavior (e.g., including but not limited to hyperactivity, unexplained mood or personality changes, paranoia, hallucinations).
- Information which is provided by an individual who, in the judgment of the department director, is a reliable and credible source.
- Work-related accidents or personal injuries that may have been caused by human error.
- Direct observation of drug or alcohol use.
- Presence of the physical symptoms of drug or alcohol use (e.g., including but not limited to glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, onset of unusual perspiration or shakes, unusual drowsiness or sluggishness).
- Disregard or violations of established safety, security or other operating procedures.
- Excessive time away from the workplace, excessive absenteeism or tardiness pattern.
- Possession of alcohol or illegal drugs; or the presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employee's control.

- Unexplained inability to think or reason at the employee's normal levels.
- Fighting or combative or assaultive behavior.

D. Random Testing

1. In compliance with Department of Transportation regulations, all City employees whose job duties require them to possess a valid Commercial Driver's License must submit to random drug testing.
2. Work groups that have duties which carry great risk to the public or co-workers or that work with controlled substances may be included in a program of random drug/alcohol testing. In addition, the Department Director with advance written approval from the Director of Human Resources may designate a work group for inclusion in a program of random drug/alcohol.
3. A work group will be notified of its designation for random drug/alcohol testing at least one month prior to the commencement of random testing. Random drug/alcohol testing will follow the procedure in paragraphs D.1-4 of this policy. A scientifically valid random selection method will be used to designate the employees to be tested. Each employee in the work group will have an equal chance of selection at all times.
4. An individual selected for random testing shall be notified on the same day when the test is to occur, preferably, within two hours of the scheduled testing. The supervisor shall explain to the employee that the employee is under no suspicion of taking drugs and that the employee's name was selected randomly and shall escort the employee to the testing facility.

E. Testing During Periodic Physical Examinations

An employee who completes a regularly scheduled physical examination as a part of his or her job will undergo a drug/alcohol test as a part of the periodic physical.

- F.** The failure of an employee to submit to a drug or alcohol screening test shall be considered insubordination and shall subject the employee to immediate disciplinary action, up to and including possible termination from employment. An employee who refuses to take a drug or alcohol screening test shall be immediately placed on administrative leave with pay, pending disciplinary action. The results of a drug or alcohol screening test shall not be used by the City for any purpose other than to determine adherence to municipal policy, readiness for work, and appropriate discipline.
- G.** The City may search, at any time, without employee consent, all areas and property in which the City maintains either joint control with the employee or full control, including desks, containers, files, lockers and all City vehicles.

- H.** The City recognizes drug/alcohol dependency as an illness and a major health problem. The City also recognizes drug/alcohol abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use the Employee Assistance Program, which service is provided at no charge to employees by the City. Conscientious and voluntary efforts by an employee to seek help will not jeopardize his or her job and will not be noted in any personnel record except where such efforts follow a supervisory-initiated referral. However, due to the fact that unlawful use of illegal drugs is inconsistent with a sworn police officer's oath to uphold the laws of the Commonwealth, any sworn law enforcement officer or law enforcement employee who works directly with controlled substances will be terminated if he/she tests positive for illegal drugs.
- I.** No employee shall be disciplined for the appropriate use of non-prescription or prescribed medication in the treatment of illness or injury. However, if the employee knows or should know that use of a non-prescription or prescribed medication does or could impair his/her ability to operate a City vehicle or equipment, or otherwise interfere in any way with his/her job performance, the employee shall inform his/her immediate supervisor and shall be prepared to provide a copy of the prescription or an indication of the medication upon request. Violation of this section of the policy may subject the employee to disciplinary action, up to and including termination.
- J.** Employees must, as a condition of employment, abide by the terms of this policy and report any arrest or conviction under a criminal drug statute for violations occurring on or off City premises. A report of an arrest or a conviction must be made to the Department Director within five (5) days after the arrest or conviction.
- K.** An employee who is subject to the guidelines of the Drug-Free Workplace Act of 1989 (the Act), is also subject to additional requirements as follows. Within ten (10) days after learning of an employee's criminal conviction for illegal drug activity within the workplace, the City will notify the granting agency of such conviction, as required by the Act. Within thirty (30) days after learning of an employee (s) criminal conviction for illegal drug activity within the workplace, the City will take appropriate personnel action.

L. Procedures for Completing a Drug or Alcohol Screen

1. At all times, the supervisor will proceed with sensitivity so as to minimize embarrassment to the employee and to protect confidentiality and privacy. The supervisor will consult his or her supervisor and the Department Director prior to requesting a drug or alcohol screen.
2. The supervisor will confidentially and privately explain to the employee the reason(s) for requesting a drug/alcohol screen. If the reason(s) for requesting a screen are based in any part on information received from a third party, the name of that third party will not be disclosed to the employee, without the third party's permission.

3. The employee will be given an opportunity during the meeting with the supervisor to respond to the supervisor's assertions concerning the reasons for requesting the drug/alcohol screen. If the supervisor still believes the screen necessary or if the screen is pursuant to the random testing program or any follow-up testing at random intervals, the supervisor will ask the employee to sign his/her consent to have the screen performed by the City's designated representative.
4. The supervisor or his/her designee will accompany the employee to the medical facility where the screen has been arranged to be conducted. The employee will provide a specimen or blood sample at the medical facility for testing. The supervisor shall have the authority to place on administrative leave with pay or to reassign an employee tested for reasonable cause while awaiting the results of the test when such action is in the best interest of the City. Such action is not to be considered disciplinary in nature, nor a presumption of guilt.
5. The results of the screen shall be reported to the employee, the supervisor, and the division or department director. Any quantification information will be reported only to the division or department director.
6. All written requests and test results will be placed in a confidential medical file, which will be kept separate from the official personnel file of the employee.

M. Disciplinary Actions and Rehabilitation

1. Any employee who refuses to consent to a drug/alcohol screen after meeting with the supervisor shall be subject to immediate disciplinary action up to and including possible termination from employment.
2. Adulteration detected in a specimen, substitution of a specimen or otherwise tampering with a specimen by the employee to be tested or by another city employee may be grounds for dismissal. In the event of adulteration, substitution or tampering, a new screen may be ordered if the tested employee is not dismissed.
3. If the drug/alcohol screen is positive, the supervisor will meet with the employee prior to determination of an appropriate action/response. The employee will be given an opportunity to respond to the result. The employee may request, at his/her own expense, additional screening of an original drug test specimen by gas chromatography/mass spectrometry (G.C.M.S.) or other suitable testing procedure. If the second drug test is negative or inconclusive, the City, at its expense, may request a third drug test for further analysis of the test specimen. If both the second and third tests are negative, the City will reimburse the employee's share of the screening test costs to the employee, up to the normal cost that the City pays for its screening tests; and all test-related records will be purged. If two of the three drug test results are inconclusive, the employee shall be subject to follow up drug/alcohol testing at random intervals during the next twelve months of employment. At the department's discretion, follow up testing may be continued up to five years from the positive drug test.

4. If the drug/alcohol screen is positive (and if any confirmation test is also positive), the supervisor will determine an appropriate action/response according to the following:
 - a. Because use of illegal drugs is unlawful and inconsistent with a sworn police officer's oath to uphold the laws of the Commonwealth, any sworn law enforcement officer or law enforcement employee who works directly with controlled substances will be terminated, if he/she tests positive for illegal drugs.
 - b. A positive drug/alcohol screen that confirms an employee has a detectable presence of illegal drugs in his or her system or has an alcohol concentration of 0.02 or greater, or has his or her ability to perform job duties impaired by alcohol or any other drug, whether legal or illegal, during work hours, including on-call time, may result in immediate suspension from duty, with pay, pending appropriate disciplinary action. Any employee who tests positive for drugs or alcohol and who also exhibits one or more of the reasonable cause criteria in this policy shall be presumed to have been at work under the influence of drugs or alcohol.
 - c. A positive test for drugs or alcohol is not necessarily the only method/means of determining that an employee has used drugs or alcohol in violation of City policies. Such a finding may be based on other observed facts and conditions.
 - d. While referral to the City's Employee Assistance Program will normally be the first course of employer initiated action following a positive drug/alcohol screen, certain circumstances may justify immediate disciplinary action up to and including possible dismissal.

Examples: A serious accident or act that causes substantial damage to property or serious injury to persons or matters in which the integrity, honesty, or ability to foster public trust is adversely affected.

Generally, the employee will be referred to and remain in a counseling or rehabilitation program approved by the City until the approved program administrator is able to state that the employee has been successfully rehabilitated and can remain drug or alcohol free. While in the rehabilitation program, an employee may use annual, personal, sick, earned compensatory leaves or request leave of absence without pay. If the employee refuses treatment, fails to complete the program, or fails to be rehabilitated, he/she shall be subject to dismissal from employment with the City.

- e. Employees who test positive for drugs or alcohol are subject to being tested at random intervals for up to 12 months following the initial positive test. At the department's discretion, follow up testing may be continued up to five years from the positive drug test. A second test may result in immediate dismissal from employment.

- f. The collection, documentation, storage/use and distribution of any records, files, and materials which result from the investigation of drug or alcohol use allegations and drug/alcohol screening tests are deemed strictly private and will be maintained in a confidential medical file, separate from official personnel files.

NOTE: Grievance forms and related documentation which may arise from any aspect of this program become a part of the grieving employee's official personnel file.

- g. Drug/alcohol testing shall not be conducted for the purpose of gathering evidence for use in any criminal proceeding.

N. Severability and Modifications

1. Should any section, subsection or provision of this policy be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this policy as a whole or any part there of other than the part so declared to be invalid or unconstitutional.
2. As with all policies and procedures, the City of Lynchburg reserves the right to modify all or any part of this policy or procedure as may become necessary.

VII. Dress Code

- A.** The City of Lynchburg is a public service delivery organization and expects all employees to dress appropriately for a business environment and in keeping with his or her work assignment. Public image plays an important role in developing and maintaining support for the organization. To maintain the confidence and respect of the citizens of Lynchburg each employee must exercise good judgment and professional decision-making as they choose workplace attire. This policy establishes a set of guidelines to be used across departmental lines.
- B.** The following guidelines establish the general expectations regarding employee attire. The following list is not intended to include every possible scenario but presents guidelines for employee and supervisory decisions.
 - Clothing, jewelry and accessories must not create a safety hazard for the employee or others.
 - All clothing must be in good condition without holes, excessive wear or staining from use or design.
 - Clothing may not display implied or stated profanity.
 - Clothing may not display advertisements or logos for alcohol, tobacco products and/or illegal, racial or sexual connotations.
 - Employees shall be clean, well groomed and demonstrate acceptable personal hygiene.

- Appropriate undergarments must be worn.
- Employees shall not normally wear jewelry in facial and/or tongue piercing(s).
- Excessive or offensive (profanity, nudity, illegal acts, racial/ethnic slurs) tattoos must not be visible
- Appropriate footwear must be worn.

C. Direct Service Delivery Assignments

Employees working in direct service delivery assignments such as sworn public safety positions, public works, inspections or other operational/field capacities may be issued workplace uniforms that shall be worn while performing official duties. *(Refer to Chapter 4, "Benefits," IX.D. "Uniforms and Uniform Allowances" for more information)*

D. Administrative Assignments

1. The City supports "business casual" dress for Monday through Thursday for administrative employees, i.e., those employees working in an office environment. Business casual is a form of attire that is more traditional and typically includes slacks and shirts or suits for men and slacks/skirts with blouses and dresses or suits for women. Supervisors retain the right to require more formal attire based on the needs of the department or division.
2. The City also supports "casual" dress on Fridays (or the last workday of a shortened workweek). Casual dress is a form of attire that is more relaxed and normally associated with leisure time.
3. Management, including first line supervisors, shall retain the right to consider unique situations and may approve alternate employee attire for a variety of reasons such as accommodations for medical conditions, religious practices, inclement weather and City and/or departmentally sanctioned employee events or activities.

E. Consequences

Employees are expected to abide by the guidelines of the dress code policy and shall be held accountable for decisions that do not meet the guidelines. When an employee's attire does not meet expectations, the immediate supervisor shall first discuss the matter with the employee to ensure that the employee understands the policy and its application. If the employee refuses to change their attire and/or fails to comply with the dress code, the supervisor may initiate disciplinary action in accordance with the City of Lynchburg's disciplinary policy.

VIII. Harassment

- A. Harassment is verbal and/or physical conduct based on sex, race, religion, disability, national origin, age or any other class protected against discrimination by state

and/or federal laws, when such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual Harassment is any unwelcome sexual advance, request for sexual favors and/or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct upon an individual is used as a basis for employment decisions affecting such individual.
3. Such conduct has a purpose or effect of substantially interfering with an individual's work performance or creating an intimidating hostile or offensive working environment.

B. The City of Lynchburg will not tolerate any form of harassment of its employees.

Allegations of harassment shall be thoroughly investigated and disciplinary or corrective action taken as warranted. Reprisals against employees who file complaints of harassment are prohibited; however such protection shall not condone unfounded or vindictive accusation of others. The City shall make efforts to protect the legitimate interests of all parties concerned in a dispute involving allegations of harassment.

C. Employees who feel they have been subjected to harassment should respond by using any or all of the following procedures:

1. Individuals who experience harassment should make it clear to the offending person that such behavior is offensive to them. Should such behavior continue or reoccur, the offended employee should bring the matter to the appropriate supervisor's attention or to the attention of other appropriate officials.
2. Information and advice about harassment may be obtained by contacting the Human Resources Department, the City Attorney's office, or the employee may contact an Employee Assistance Program Counselor for consultation and advice. Every precaution will be taken to ensure confidentiality at this informal, information gathering stage.
3. The employee should report the incident to his or her immediate supervisor, appropriate department director, or other City official. Supervisors, department directors, or other City official shall take immediate action when they become aware of any act of harassment. An employee may also use mediation or the formal Grievance Procedure to resolve complaints of harassment.

- D.** An employee who believes that he or she has been subjected to harassment must promptly report such incidents. However, supervisors have an obligation as well to act upon any knowledge of harassment in the workplace and to take prompt, corrective action when necessary to maintain a place of employment that is free of harassing, abusive or disruptive conduct. In addressing harassment complaints, the rights of all parties will be protected.

IX. Workplace Violence

- A.** The City of Lynchburg is committed to maintaining a safe, healthy work environment where employees, visitors and customers are free from the threat of workplace violence. No employee shall engage in any act, on City property, while performing work-related duties or involving persons related to City employment, that threatens the safety of an employee, visitor or customer, affects the health, life or well-being of an employee, visitor or customer or results in damage to City or customer property. Such actions and incidents will not be tolerated under any circumstances. If such an incident occurs, anyone found to have violated this policy will be subject to disciplinary action, which may include termination.
- B.** The City of Lynchburg Workplace Violence Policy applies to all classified, wage and temporary employees regardless of funding, status or category and to all volunteers, unpaid interns or others working under the supervision of the City.

C. Guidelines

- 1. Organizational Responsibility:** The City will actively support the prevention of workplace violence through the allocation of appropriate resources for assessment, training and intervention. The City takes acts or threats of workplace violence seriously and will promptly investigate and act on reports of acts or threats. While unfounded or vindictive accusations of workplace violence will not be tolerated, no one who reports a valid incident will be subject to reprisals or retaliation. The City will establish and maintain a core Threat Assessment Team comprised of representatives of the City Manager, Human Resources, Risk Management, Police and the Employee Assistance of Central Virginia (EACV) to work with and assist departments as needed in evaluating and/or investigating incidents of workplace violence.
- 2. Departmental Responsibility:** Each City Department and/or Division shall work with Risk Management and the Police Department to complete a site assessment and take appropriate action to correct to the extent possible based on available resources, any physical problems that may create potential safety hazards. Within sixty (60) days of receiving the final report of the assessment, each Department shall develop a Departmental Safety Plan and submit it to the Risk Manager, for approval. The Plan shall contain specific safety practices and procedures that, when followed, reduce the threat of workplace violence. The

Departmental Safety Plan shall be distributed and communicated to each employee within the Department.

3. Managerial Responsibility: Managers and supervisors shall work in partnership with employees to maintain a safe, effective working environment. Managers and supervisors shall attend training on identifying and defusing workplace conflicts.

a. Managers and supervisors must intervene when they see behavior or actions in conflict with this Policy regardless of the person engaging in such behavior. Where there is imminent danger, managers and supervisors shall immediately notify the police. Managers and supervisors shall evaluate and investigate as needed if an incident of workplace violence is reported, is suspected of occurring or has actually occurred. Managers and supervisors shall follow up with employees to ensure that safety practices and procedures are consistently followed.

4. Employee Responsibility: Employees are expected to treat other people and property with respect. In most cases employees perform as expected and demonstrate conduct that reflects credit upon themselves, their coworkers and the City of Lynchburg. When employees fail to conduct themselves in such a manner it may become necessary to intervene as a means of correcting the behavior or ending the employment relationship. In the event of immediate threat or commission of a crime, employees shall immediately call the Police Department. Employees are expected to promptly report threats or incidents of workplace violence to their supervisor or other available City official. When there is imminent danger to persons or property, employees are encouraged to take reasonable action to safeguard persons or property without putting themselves or others in danger.

D. Prohibited Behavior

In keeping with this policy, the City of Lynchburg prohibits any employee from engaging in acts of violence.

Such acts include, but are not limited to:

- Verbally or physically threatening, intimidating, coercing, harassing or assaulting an employee, visitor, customer or citizen.
- Sexually harassing an employee, visitor, customer or citizen.
- Using, threatening to use, or displaying a weapon of any kind, or any other object that is used for the purpose of injury or intimidation, unless required by official job duties (such as a police officer).
- Acts that damage, or attempting to damage, City property or the property of an employee, visitor, customer or citizen.

E. Reporting and Investigating Procedures

Any employee who has been threatened, is a victim of a violent act, witnesses any threats or violent acts, or learns of threats or violent acts, shall report such activity to his/her supervisor as identified above. In the event that violence is imminent, the employee shall call the police immediately. An employee may also report an incident by calling Human Resources. Supervisors, in coordination with the police, Human Resources and/or the Threat Assessment Team, as needed, shall promptly evaluate and investigate each report.

F. Confidentiality

Information about an incident of workplace violence will be shared only with those supervisors or managers with a legitimate need to know.

X. Electronic Mail (E-Mail)

The Electronic Mail policy establishes guidelines for the proper and acceptable use of e-mail by City employees, elected officials, volunteers, interns, and other affiliates who may be authorized to use hardware, software, and/or network connections provided by the City of Lynchburg. All electronic messages created with, received by, or stored within the hardware and software systems administered by the City of Lynchburg are the property of the City and, therefore, are not considered private. Employees do not have a personal privacy right in using the City's e-mail system. Refer to the Electronic Mail policy included on the Information Technology intranet site for more information.

XI. Parking

Parking is normally provided to City of Lynchburg employees in surface lots and parking decks near various work sites. Parking for employees with an authorized handicap decal or license plate is also available near City worksites. Public parking spaces, including marked handicap spaces, surrounding City Hall and other City facilities are designed for use by residents and visitors and shall not normally be used for daily parking by employees.

XII. Smoking

The City of Lynchburg supports and promotes a smoke-free environment. On-duty employees are prohibited from smoking in any municipal building, facility or vehicle. Refer to the "Fleet Policy" for additional information regarding tobacco use and City vehicles.

XIII. Inclement Weather

During inclement weather conditions all municipal offices remain open to serve the citizens of Lynchburg and employees are expected to report to work. In situations of

extreme weather conditions, Department Directors shall determine the staffing levels required to meet citizen/customer needs and may allow liberal leave usage so that employees who are concerned about their travel safety may use appropriate accrued leave. In these cases, supervisory approval for leave usage is required.

XIV. Reporting Employee Accidents/Incidents

Employees involved in an on the job accident or incident that results in an injury or potential injury, no matter how slight it may seem, must report the accident to their supervisor immediately (on the day of the accident or as soon as possible). The supervisor must complete the Employee Accident Report form in writing. Failure to report any such injury may result in the loss of Workers' Compensation benefits.

Chapter Eight Appendix

Additional Information

E-Mail Etiquette

- **Ask yourself:** Would I want a jury to read this e-mail?
- Be polite. Make sure short messages don't come across as brusque or curt.
- Don't send offensive jokes or frivolous messages.
- Don't write anything you wouldn't want repeated. E-mail can be forwarded to hundreds of people, in and out of our organization.
- Work out personal problems face-to-face, not through e-mail.
- You should not forward e-mail to any other person or entity without the permission of the original sender.
- Limit the use of color, capitalization, and font changes. This will improve message appearance and readability. Any message related to city business should appear as professional as possible, as it may be printed and distributed to others on paper.

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Grievance Procedures

I. General Information

- A.** The City of Lynchburg supports prompt and fair methods for resolving complaints and grievances of its employees. Employees whose grievances, as defined herein, result from work situations deserve and have the right to submit such grievances for orderly resolution with freedom from discrimination, coercion, recrimination, restraint, retaliation or reprisal. In addition, resolving grievances quickly and equitably promotes effective employer-employee relationships and is in the mutual interests of all affected parties.
- B.** This policy sets forth the general procedures for the administration and resolution of all grievable employment disputes, as defined in subsequent paragraphs. Reasonable efforts will be made to resolve employee complaints and grievances on an informal basis at the lowest level of management possible.
- C.** All steps of the grievance procedure beyond the first step shall be in writing on forms supplied by the Human Resources Department. Personal face-to-face meetings are required at all steps of the procedure. At each step in the process, the grievant shall be prepared to present his or her view of the events which both preceded and followed the disputed action.
- D.** Persons who may normally be present in the grievance meetings are the grievant, the appropriate hearing official at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall usually be present only while actually providing testimony. When witnesses are permitted to remain in the hearing for one side, witnesses for the other side shall also be permitted to remain.
- E.** At the third and fourth step of the procedure, the grievant may choose to have a representative of his or her choice present to provide assistance. If legal counsel represents the grievant; management may be represented by counsel. All costs for employee representation shall be borne by the employee. The grievant's representative or attorney shall be designated by the employee in writing at the time he or she presents the grievance in writing at the appropriate step. If another City employee is chosen as a representative and that person is willing to represent the grievant, he or she shall not be denied permission to do so unless the representation would contribute appreciably to the neglect of that person's regular duties, or would constitute a clear conflict of interest with his or her regular duties.

Example: A staff member of the City Attorney's Office whose regular duties may require them to advise management and employees on matters related to grievances shall not be allowed to act as employees' representatives. In no case will managerial or supervisory personnel act as an employee representative against City management.

- F.** In accordance with the non-public nature of a grievance hearing, any recording by tape or any other means is strictly prohibited without the consent of both parties. At the conclusion of each written step in the Grievance Procedure, the hearing officer will transmit the decision along with appeal forms and addenda to the grievant with copies to the immediate supervisor, the respective department director, and the Director of Human Resources.
- G.** As a grievance moves through the levels of appeal, an employee may not materially change the basic nature or content of his or her grievance after it is reduced to writing, nor may he or she change the relief sought. When processing any grievance to a higher step in the procedure, the grievant should recognize that each appeal will be handled as a hearing de novo in which the original dispute is the basis for the further appeal. Therefore, the hearing officer, panel or board will decide among three courses of action: (a) to uphold the original decision of the immediate supervisor, (b) to overturn the original decision, or (c) to modify the original decision.
- H.** Except in instances where grievances might arise within the Human Resources Department, the Director of Human Resources or designee shall act in a neutral manner in these proceedings. Upon request, the Director of Human Resources will counsel employees with regard to grievances. The Director shall be responsible for designing all necessary forms, making policy interpretations which might become necessary, issuing additional guidelines for the orderly administration of employee grievances in accordance with this Grievance Policy, and serving as Secretary to the Appeal Board and to the Grievance Panel. As provided within this Policy, time limitations are designed to be fair and reasonable to both the grievant as well as to those individuals who will be involved in hearing and seeking the resolution of a grievance settlement at each successive step.

II. Coverage of Personnel

- A.** This policy governs the administration and processing of all grievances of the classified employees of the City of Lynchburg, excluding all personnel of the Lynchburg Public Schools, and the Local Constitutional Offices.
- B.** All employees holding full-time and part-time classified City of Lynchburg positions who have completed their initial employment period are eligible to file grievances with the following exceptions:
 - Department Directors and their equivalents.
 - Deputy City Manager(s) and executive assistants in the Office of the City Manager.

- City Council appointees.
 - Employees holding temporary and/or grant funded positions.
 - Law-enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose grievance is subject to the provisions of Chapter 10.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance.
 - Any other employee electing to proceed pursuant to any other existing procedure in the resolution of his or her grievance.
- C.** The Director of Human Resources shall maintain an up-to-date list of the excepted positions. The current list is attached.

III. Definition of a Grievance

A grievance shall be a complaint or dispute by an employee relating to his or her employment, including but not necessarily limited to:

1. Disciplinary actions including dismissals that result from formal discipline or unsatisfactory job performance, disciplinary demotions, suspensions, and reprimands.
2. The application of personnel policies, procedures, rules and regulations.
3. Acts of retaliation as the result of either the use of the grievance procedure or participation in the grievance of another city employee.
4. Discrimination on the basis of race, color, creed, political affiliation, age, disability, national origin, religion or sex.
5. Acts of retaliation because the employee has complied with any federal or state law, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly or has reported an incident of fraud, abuse or gross mismanagement.

IV. Local Government Responsibilities - Management Rights

- A.** The City shall retain the exclusive responsibility to manage the affairs and operations of government.

Accordingly, the following complaints are non-grievable:

1. Establishment and revision of wages or salaries, position classification or general benefits.

2. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content.
 3. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations.
 4. Failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly.
 5. The methods, means and personnel by which such work activities are to be carried on.
 6. Except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of a lack of work, reduction in work force, or job abolition.
 7. The hiring, promotion, transfer, assignment, evaluation, counseling and retention of employees within the City government.
 8. The relief of employees from duties of the City government in emergencies;
 9. Voluntary resignation.
 10. Counseling sessions and/or counseling memos.
- B. In any grievance brought under the exception to provision (6) of this subsection, the action shall be upheld upon a showing by the City that:**
1. There was a valid business reason for the action.
 2. The employee was notified of the reason in writing prior to the effective date of the action.

V. Determination of Grievability

- A.** The issue of grievability may occur at any step of the procedure prior to the Panel/Board Hearing, but once raised, the issue must be finally resolved as provided herein before further processing of the grievance. Decisions regarding grievability and access to the procedure shall be made by the City Manager, or his designee, at the request of management or the grievant within ten (10) calendar days of such request. A copy of the ruling will be sent to the grievant. In all cases, the issue of grievability must be resolved prior to the Panel/Board Hearing or it shall be deemed to have been waived by management and the grievance shall be processed to conclusion.
- B.** The grievant shall have ten (10) calendar days to appeal a decision of non-grievability to the Circuit Court of the City of Lynchburg, Virginia for a hearing on the issue of grievability, as provided for in the Code of Virginia, Section 15.2-1507 A9a.

Proceedings for review of the decision of the City Manager shall be instituted by filing a notice of appeal with the City Manager within ten (10) calendar days after the date of the decision and giving a copy thereof to all other parties.

Within ten (10) calendar days thereafter, the Manager shall transmit to the Clerk of the Circuit Court of the City of Lynchburg and to the grievant the following:

1. A copy of the decision of the City Manager
 2. A copy of the notice of appeal
 3. The exhibits
- C.** A list of the evidence furnished to the Court shall also be furnished to the grievant. The failure of the City Manager to transmit the record within the time allowed shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the City Manager to transmit the record on or before a certain date.
- D.** Within 30 calendar days of receipt of such records by the Clerk, the Court, sitting without jury, shall hear the appeal on the record transmitted by the City Manager, or his designee, and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice may require. The Court may affirm the decision of the City Manager or his designee, or may reverse, or modify the decision. The decision of the Court shall be rendered no later than the fifteen (15) calendar days from the conclusion of the hearing. The decision of the Court is final and is not appeal-able.
- E.** The classification of a complaint as “nongrievable” shall not be construed to restrict any employee’s right to seek or management’s responsibility to provide customary administrative review of complaints outside the scope of this grievance procedure.

VI. Time Periods

All grievable employment disputes, as defined in the preceding paragraphs, must be processed through four steps of successive appeal and within the specified time limits, except as noted within this policy. For the purpose of this Procedure, all time limits are stated in terms of “calendar days.” If the last day of any time limit falls on a Saturday, Sunday, or observed City holiday, the following regular weekday shall be considered the last day. Time frames may be extended by mutual agreement of the hearing officer and the grievant. The Grievance Panel or Board, at their discretion, or at the request of either party to the grievance, may extend any or all of the prescribed time periods applicable after the grievance is received by the Panel/Board. These time periods may be extended in writing based upon mutual agreement in advance by the

two parties (the grievant and the individual hearing the complaint or grievance). The Panel or Board may, by mutual agreement with the grievant, continue the hearing.

VII. Compliance

- A.** After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel or board hearing, without just cause will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the non-compliance within five (5) work days of receipt of written notification by the other party of the compliance violation.
- B.** Such written notification by the grievant shall be made to the City Manager or his designee. The City Manager, or his designee, at his option, may require a clear written explanation of the basis for just cause extension or exceptions. The City Manager, or his designee, shall determine compliance issues. Compliance determinations made by the City Manager shall be subject to judicial review by the filing of a petition with the Circuit Court of the City of Lynchburg, Virginia within 30 days of the Compliance determination.

VIII. Relief Sought

Once an employee reduces his or her grievance to writing, he or she must include on the appropriate form the specific relief he or she expects to obtain through the use of the grievance procedure. The relief sought shall be personal to the grievant (e.g. the relief sought may not be the dismissal or discipline of another employee). The relief sought must be consistent with the issues determined to be grievable under this procedure and may not be in conflict with the management rights section of this policy. The grievant may accept the relief granted at any step of the procedure and his or her grievance shall be considered resolved. However, prior to the Panel/Board Hearing, if the employee finds any part of the relief granted unacceptable, he or she must advance the entire grievance and relief sought to the next step of the procedure. The decision of the Panel/Board is final and binding.

IX. Waiver of Steps

Any of the steps in the grievance procedure, except the fourth step panel/board hearing, may be waived based upon the mutual written agreement of the grievant and the City Manager. A "Grievance Step Waiver Form" must be completed and signed by the grievant and the City Manager prior to the required meeting(s) between the grievant and management and shall be included in the official grievance file maintained in the Human Resources Department.

X. Steps in the Grievance Procedure

STEP 1: Supervisor/Department Director Level

An employee who has a grievance shall orally present his or her initial complaint to his or her immediate supervisor (or to the acting supervisor in the absence of the immediate supervisor) or to the Department or Division Director if the grievance relates to a suspension, dismissal or policy decision, within 20 calendar days after the event giving rise for the grievance. It is the responsibility of the employee to inform the supervisor or director of his or her intention to formally grieve. An employee's complaint does not become an official grievance until the employee identifies it as such in a face-to-face meeting. The supervisor or director shall give the employee his or her verbal response within ten (10) calendar days after its presentation and shall develop and maintain written documentation of the date the meeting took place, the decision made and the date the decision was given to the employees. Each immediate supervisor shall keep appropriate accounts of the complaints that he or she receives.

STEP 2: Department Director Level

1. If the complaint is not resolved in Step 1, the employee may, within ten (10) calendar days of his/her supervisor's oral response, reduce the grievance to writing on an "Employee Grievance Form" and submit it to his or her respective Department Director (or to the acting Department Director in the Director's absence). This submission will be the aggrieved employee's explanation of what has occurred, his or her reasons for rejecting the Step 1 response, and the specific relief that he or she desires for resolution of the grievance. If an employee chooses to grieve an action taken by a department to which the employee is not assigned, he or she shall submit the grievance form to the director of the department taking such action.
2. Within ten (10) calendar days of receipt of the completed grievance form, the Department Director (or the acting Director in the Director's absence) will meet with the grievant, the grievant's immediate supervisor and/or manager directly involved in issue, and appropriate witnesses, i.e. those persons having direct knowledge of the issue. If the grievant desires testimony by a witness(es) who is scheduled for City duty, he or she will notify the respective department director at least 24 hours in advance; and if a witness(es) is not scheduled for City duty, the grievant will be responsible for arranging the presence of this witness(es). The appearance of witnesses before the Department Director is strictly voluntary.
3. A written reply to the grievance signed by the Department Director shall be provided to the employee within ten (10) calendar days after the second step meeting. The grievance file, including all attachments shall be forwarded to the Human Resources Department following the second step decision.

STEP 3: City Manager Level

1. If the second step decision is not acceptable to the grievant, he or she shall have ten (10) calendar days after receipt of the decision in which to request a meeting with the City Manager, or his or her designee. The grievant must complete the "Step Three Grievance Form" and submit it to the Human Resources Department to request further consideration of his or her grievance. Human Resources shall record its submission and forward the grievance and related documents to the City Manager who may designate one or more individuals to assess and undertake its resolution.
2. The City Manager, or designee, shall meet with the aggrieved employee, the employee's immediate supervisor and/or manager directly involved in issue, the department director, and appropriate witnesses, i.e., those persons having direct knowledge of the issue, within ten (10) calendar days to discuss informally the particulars of the incident surrounding the grievance and the specific dispute for resolution.
3. If the grievant desires testimony by a witness(es) who is scheduled for City duty, he or she must notify the respective department director at least 24 hours in advance; and if a witness(es) is not scheduled for City duty, the grievant will be responsible for arranging the presence of this witness(es). The appearance of witnesses at the grievance hearing is strictly voluntary.
4. In addition to the presence of these persons, the aggrieved employee may elect to be accompanied by a representative of his/her choosing (who may be another City employee); however, the grievant must include the name of the representative, and state whether or not the representative is an attorney, on the Step 3 Employee Grievance Form at the time of submission. If the grievant is represented by legal counsel, the City Manager or his designee may also be represented by counsel. All costs of employee representation shall be borne by the employee.
5. The City Manager, or designee, has the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing; and at the request of either party, the hearing shall be private. Grievance hearings can not be recorded by tape, stenographer or any other means without the consent of both parties
6. The City Manager, or designee, has the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
7. If the City Manager, or designee, determines that additional evidence is needed to make an informed decision, he or she may continue the Step 3 hearing to hear such additional evidence.

8. The City Manager or his or her designee shall reply in writing to the grievant within ten (10) calendar days after the third step hearing.

STEP 4: Appeal Board or Grievance Panel

1. If the City Manager's decision is not acceptable to the grievant, he or she may, within ten (10) calendar days submit his or her dispute to the resolution of the ultimate authority available in this Grievance Procedure—either (a) the City Employee Appeal Board or (b) the City Employee Grievance Panel depending upon the nature of the particular grievance involved. Requests for further consideration of the grievance shall be made by completing the “Step Four Grievance Form” and submitting it to the Director of Human Resources.
2. Within ten (10) calendar days following receipt of the “Step Four Grievance Form” the Director of Human Resources, or designee, shall convene a non-public, informal hearing of the appropriate body (Board or Panel) for the necessary discussion, consideration, and resolution of the grievance.
3. As in Step 3, the aggrieved employee, his or her supervisor and the department director shall be present at the Board or Panel hearing, and appropriate witnesses as well as representatives may also be in attendance. If the grievant desires testimony by a witness(es) who is scheduled for City duty, he or she will notify the respective department director at least twenty-four hours in advance; and if a witness(es) is not scheduled for City duty, the grievant will be responsible for arranging the presence of this witness(es). The appearance of witnesses before the Board or Panel is strictly voluntary. If the grievant intends to have a representative at the Panel/Board hearing, the grievant must include the name of the representative, and state whether or not the representative is an attorney, on the Step 4 Employee Grievance Form at the time of submission.
4. Subsequent to the hearing and within ten (10) calendar days thereafter the Chair of the Board or Panel will notify the grievant in writing of the decision of the respective body (Board or Panel). Copies of this written decision of the Board or Panel will be forwarded to the City Manager, the respective department director, the grievant's supervisor, and the Human Resources Department. A final determination by the Panel or Board must be consistent with law and written policies. Either party may petition the Circuit Court for implementation of the Panel/Board decision.

City Employee Appeal Board

1. The City Employee Appeal Board (Board) is charged with the responsibility of resolving any Step 4 grievance that involves the demotion, dismissal or suspension of 14 days or more of the aggrieved employee.

Membership on the Board will consist of three citizens and two City employees selected in the following manner:

2. The three citizen members are selected from among a list of four appointed by the Lynchburg City Council for staggered three-year terms of office. These citizen members will elect a Board Chairman from among themselves.

If any of the citizen Board members are unable to participate in a particular hearing, the grievant may either:

- a. accept a hearing before the two City employee members plus any two citizen members, wherever possible, of the Board; or
 - b. elect to have his or her hearing continued until a maximum of five working days following the next regularly-scheduled City Council meeting when substitute citizen Board member(s) would be appointed for this particular grievance hearing. If only one citizen Board member is available to hear the grievance or if a tie should develop, the particular hearing will be automatically continued until such time that a hearing would be possible before a complete Board which includes two City employee representatives and three Council-appointed citizen members.
3. The two employee members will be one supervisory employee and one non-supervisory employee. Selection of these employees will be determined by an election held every two years in which all classified City employees, as eligible voters, will elect one list of ten (10) supervisory and one list of ten (10) non-supervisory personnel to serve as employee participants in the City's grievance resolution process. Following election, the names of the top five members on each separate list will be alphabetized and be used as the primary members. Those employees elected in positions six through ten on each list will serve as alternative supervisory and non-supervisory employee representatives.
 4. The City employee members will be assigned to a Board, as needed, starting with the first name on each list. The next Board will include the second member on each list and this rotating basis will be continued at each successive Board as needed. When all names have been exhausted, each list will repeat itself in the same sequence. If an employee is not available, Human Resources will select the next name on the list to serve.
 5. Alternate employee representatives will not be selected to serve on a Board unless the requisite number of employee representatives elected in positions one through five is not available to serve on the Board.
 6. *NOTE: Each of the two lists (supervisory and non-supervisory) of elected City personnel may not include more than two individuals from any single department. Nor will more than two individuals from the same department be included on any alternate list.*
 7. The Board shall not be composed of any individuals having direct involvement with the grievance being heard by the Board, or with the complaint or dispute giving rise

to the grievance. Managers who are in a direct line of supervision of a grievant, individuals from the same department as the grievant, individuals residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as Board members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. In such situations, the Director of Human Resources shall designate the next person on the appropriate list to serve on the Board.

8. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a Board member.

City Employee Grievance Panel

1. The City Employee Grievance Panel (Panel) is charged with the responsibility of resolving Step 4 grievances other than those types specified for resolution by the City Employee Appeal Board. Membership on this Panel will be comprised of a total of three persons: two City personnel members and one citizen; the chairman of the Panel will be the citizen member.
2. To achieve this composition, each of the four citizen appointees to the Appeal Board as identified above, serve on the Panel on a rotating basis from one hearing to the next. Should a member not be available, the next person on the list will be selected to serve.
3. The two City personnel Panel members shall be one supervisory employee and one non-supervisory employee according to the same alphabetical listing and scheduling arrangements as indicated for the City Employee Appeal Board. The specific employees filling these two membership positions will serve on a rotating basis from one Panel hearing to the next.

NOTE: The system outlined above is designed to be an equitable and objective approach for designation of both Panel and Board membership in the final determination of employee grievances. It also provides a method by which the grievances of City personnel can be heard by an audience that includes both supervisory and non-supervisory representation from within the ranks of City employment and a high-level of citizen involvement as well.

XI. Rules for Grievance Panels

A. Hearings before the City Employee Appeal Board and the City Employee Grievance Panel, both of which are referred to as "Grievance Panels," shall be conducted by the following rules:

1. Grievance Panels do not have authority to formulate policies or procedures or to alter existing policies or procedures nor do they have the authority to award monetary damages, expenses or attorneys' fees to a successful grievant.

2. Grievance Panels have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing; and at the request of either party, the hearing shall be private. Grievance hearings cannot be recorded by tape, stenographer or any other means without the consent of both parties.
3. The City must provide the Grievance Panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the Grievance Panel. The record shall include the Step 2 and Step 3 written decisions and all documents that were relied upon in the Step 1, Step 2 and Step 3 meetings.
4. The grievant and his attorney shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding, at least ten (10) calendar days prior to the scheduled hearing.
5. Grievance Panels have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
6. All evidence shall be presented in the presence of the Grievance Panel and the parties, except by mutual consent of the parties.
7. Documents, exhibits and lists of witnesses are to be exchanged between the parties at least three (3) days in advance of the hearing. The appearance of witnesses before the Grievance Panel or hearing officer is strictly voluntary;
8. The majority decision of the Grievance Panel, acting within the scope of its authority, is final, subject to existing policies, procedures and law;
9. The decision of the Grievance Panel shall be provided to all parties within ten (10) calendar days after the conclusion of the hearing; and
10. Other provisions may apply, in order to facilitate fair and expeditious hearings, with the understanding that the hearings are not intended to be conducted like proceedings in courts, and that rules of evidence do not necessarily apply.

B. Implementation of the Decision

Either party may petition the Circuit Court of the City of Lynchburg for an order requiring implementation of the Step 4 decision.

XII. Maintenance of Grievance Records

Once a grievance is reduced to writing, the department director handing the grievance shall initiate a grievance file. This file shall contain copies of all forms, memoranda, letters, waivers, exhibits and/or summaries of all meetings and decisions

rendered concerning the grievance. At the conclusion of the second step, the file shall be forwarded in its entirety to the Human Resources Department. As the grievance progresses through the various steps of the procedure, copies of all additional data shall be added to the file until the grievance is resolved. When the grievance is resolved the file shall constitute the official record of the grievance and shall be maintained by the Human Resources Department.

XIII. Mediation

- A.** In addition to the Grievance Procedures outlined above, the City of Lynchburg offers Mediation as an alternate dispute resolution process. Mediation is a neutral, assisted negotiation process that helps resolve problems between two or more employees. The Mediation process is facilitated in a confidential forum by trained mediators. Mediators help the parties recognize the issues in conflict, explore alternatives and reach mutual agreement or a solution.
- B.** All employees may use the Mediation process. Employees may request mediation by contacting their supervisor or the Human Resources Department. All parties must agree to the Mediation process and the selected mediator. A mediation session will normally be scheduled within 15 calendar days of the agreement to mediate.
- C.** Employees may initiate requests for Mediation during the course of a grievance and if all parties agree to proceed with Mediation, the grievance process will be held in abeyance until the conclusion of the Mediation. An employee may choose to end the Mediation and resume his or her grievance at any time during the Mediation.

Chapter Nine Appendix

Positions Excluded from the Grievance Procedures As of July 1, 2003

City Council Appointees:

City Attorney
Clerk of Council
Director of Internal Audit

Deputies and Executive Assistants to the City Manager:

Deputy City Manager
Assistant City Manager
Special Assistant to the City Manager

Department Directors and Equivalents:

Director of Communications & Marketing
Director of Community Planning & Development
Director of Economic Development
Director of Financial Services
Director of Human Resources
Director of Human Services
Director of Information Technology
Director of Parks & Recreation
Director of Public Works
Fire/EMS Chief
Police Chief
Airport Director

Building Official Able to Elect Section 104.1, Part I, of the Uniform Statewide Building Code

Law Enforcement Officers Able to Elect Chapter 10.1

Police Recruit
Police Officer I
Police Officer II
Police Lieutenant
Police Captain
Police Major

Employees Holding Grant-Funded Positions

Employees Holding Wage Positions



Employee Grievance Form

STEP 2: Department Director Level

To advance your grievance, you must submit this completed form to the Department Director within 10 calendar days following receipt of the STEP 1 decision.

Grievant's Name: _____ Department/Division: _____

Date of Occurrence Which Prompted Grievance: _____ Date **STEP 1** Response Received: _____

STEP 2: Grievance - Explain in your own words the nature of your grievance and the event(s) which prompted your original complaint.

Please describe the specific relief (remedy) you are seeking.

Please explain why the STEP 1 response is unacceptable to you.

Please indicate if additional information is attached:

☐ Yes

☐ No

Signature of Grievant: _____ Date: _____

Department Director's Response to STEP 2: Grievance

Please indicate if additional information is attached:

☐ Yes

☐ No

Department Director's Signature: _____ Date: _____



Employee Grievance Form

STEP 3: City Manager Level

To advance your grievance, you must submit this completed form to the City Manager within 10 days following receipt of the STEP 2 decision.

I request further consideration of my grievance.

Grievant's Signature: _____

Date STEP 2 Decision Received: _____

Date: _____

Please explain why the STEP 2 response is unacceptable to you.

Please re-state the specific relief you are seeking.

Representative's Name: _____ Is the representative an attorney? ☐ Yes ☐ No

Please indicate if additional information is attached: ☐ Yes ☐ No

City Manager's or Designee's Response to STEP 3: Grievance

Please indicate if additional information is attached: ☐ Yes ☐ No

City Manager's or Designee's Signature: _____ Date: _____



Employee Grievance Form

STEP 4: Panel/Board Hearing Level

To advance your grievance, you must submit this completed form to the Human Resources Department within 10 days following receipt of the STEP 3 decision.

I request further consideration of my grievance.

Grievant's Signature: _____

Date STEP 3 Decision Received: _____

Date: _____

Please explain why the STEP 3 response is unacceptable to you.

Please re-state the specific relief you are seeking.

Representative's Name: _____ Is the representative an attorney? ☐ Yes ☐ No

Please indicate if additional information is attached: ☐ Yes ☐ No

(For Human Resources Use Only)

☐ **City Employee Appeal Board**
(Demotion, 14 day or more suspension or dismissal)

☐ **City Employee Grievance Panel**
(All other grievable issues)

Date of Hearing: _____ Time of Hearing: _____

Location of Hearing: _____

Board or Panel Response - Final and Binding

Signature of Chairman: _____ Date: _____

Names of other Panel Members: _____

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